



## **SEMI-ANNUAL REPORT #3**

### **Criminal Sentencing Practices in Wisconsin: Sexual Assault of a Child**

*February 2006*

## THE WISCONSIN SENTENCING COMMISSION

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## EXECUTIVE SUMMARY

As mandated by the Wisconsin State Legislature, the Wisconsin Sentencing Commission (WSC) is required to submit semi-annual reports on various criminal sentencing practices throughout the State. These reports must contain statewide sentencing information, as well as information for the five designated geographic areas – Milwaukee County (Milwaukee); Dane and Rock Counties (Dane/Rock); Calumet, Winnebago, Outagamie, and Brown Counties (Fox Valley); Racine and Kenosha Counties (Racine/Kenosha); and all other counties (Rest of State). For its third semi-annual report, the Commission chose to explore sentencing practices related to child sexual assault offenses. *Sexual Assault of a Child* constitutes one of the State's most publicly concerning violent crimes. The Commission believes good information about current sentencing practices will substantially assist practitioners and policymakers alike.

Each state has its own definitions of sex crimes against children. In the State of Wisconsin, the criminal code divides child sexual assault into three different offenses. This division allows the State to identify and separate the nuances of the crime and place them into appropriate classification levels. Section 948.02 of Wisconsin Statutes separates this crime into *1st Degree Sexual Assault of a Child*, *2nd Degree Sexual Assault of a Child*, and *Failure to Act*. *1st Degree Sexual Assault of a Child*—948.02(1)—is a Class B felony and occurs when a perpetrator has sexual contact or sexual intercourse with a person who has not attained the age of 13 years. *2nd Degree Sexual Assault of a Child*—948.02(2)—is a Class C felony and occurs when a perpetrator has sexual contact or sexual intercourse with a person who has not attained the age of 16 years. *Failure to Act* is not a guidelines offense, and, subsequently, was excluded from the current analysis.

Between February 2003 and December 2004, there were 516 child sexual assault convictions in the State of Wisconsin. Among the five geographic regions, Rest of State had the highest percentage of these cases (43%). Milwaukee had the second highest (25%), followed by Racine/Kenosha (13%). The Dane/Rock and Fox Valley regions each had 9%. Statewide, 22% of the child sexual assault cases were *1st Degree* and 78% were *2nd Degree*. These percentages remained relatively consistent throughout the five reporting regions.

Among the report's other noteworthy findings...

- Child sexual assault cases typically had more than one charge, but no charge adjustments (i.e., supplementary allegations included in the criminal complaint to reflect aggravating or mitigating circumstances of the crime).
- Child sexual assault offenders were 66% White, 27% Black, 9% Hispanic, and 3% Other Minorities.
- In all but one region—Milwaukee—white offenders committed *1st Degree Sexual Assault of a Child* at a substantially higher rate than black offenders.

- The percentage of Hispanic offenders between the five regions convicted of *2nd Degree* offenses remained relatively consistent, yet varied for *1st Degree* offenses.
- *1st Degree* offenders were substantially older than *2nd Degree* offenders. Statewide, the median age of *1st Degree* offenders was 32, but dropped to 23 for *2nd Degree* offenders.
- Nearly all child sexual assault offenses in the Commission's database were committed by male offenders. Only 2% of these offenses were committed by females.
- The majority of offenders did not have any prior felony convictions – 56% for *1st Degree* and 52% for *2nd Degree*.
- Both *1st Degree* and *2nd Degree* cases had nearly identical averages of prior convictions (0) and current charges (2).
- Overall, *1st Degree* offenders received prison sentences at a higher rate than probation sentences; however, *2nd Degree* offenders received probation sentences at a higher rate than prison sentences. Statewide, 63% of *1st Degree* offenders received prison and 37% received probation. Alternately, 41% percent of *2nd Degree* offenders received prison and 59% received probation. These percentages varied considerably among the five geographic regions.
- Offenders convicted of *1st Degree* received longer sentences for probation, prison, and extended supervision than those convicted of *2nd Degree*. Among the five regions, these sentence lengths remained relatively consistent for *2nd Degree* offenses, but varied somewhat for *1st Degree*.

*1st* and *2nd Degree Sexual Assault of a Child* are similar crimes with dissimilar characteristics. By statute, only two differences exist between these offenses: felony classification level and victim age threshold. Yet in practice, many differences can be found – nature of the crime, nature of the victim/offender relationship, offender age, offender race, etc. This detailed analysis identified many of the primary differences between the two offenses and across the five regions (Milwaukee, Dane/Rock, Fox Valley, Racine/Kenosha, and Rest of State).

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# INTRODUCTION

## PURPOSE

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Section 973.30(1)(i) of Wisconsin Statutes requires the Wisconsin Sentencing Commission (WSC) to submit semi-annual reports containing criminal sentencing statistics. Each of these reports must contain statewide sentencing information, as well as information about the five regions – Milwaukee County (Milwaukee); Dane and Rock Counties (Dane/Rock); Calumet, Winnebago, Outagamie, and Brown Counties (Fox Valley); Racine and Kenosha Counties (Racine/Kenosha); and all other counties (Rest of State). The Commission's previous two reports analyzed burglary and robbery data, and can be found on its website (<http://wsc.wi.gov>). For its third semi-annual report, the Commission chose to explore sentencing practices related to child sexual assault offenses. *Sexual Assault of a Child* has become one of the State's most publicly concerning violent crimes in recent years. The Commission believes good information about current sentencing practices will substantially assist practitioners and policymakers alike.

## OVERVIEW

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Research has shown that people who sexually assault children are qualitatively different from other offenders. Compared to robbers, for example, child sexual assault offenders are typically older white males with no prior criminal history. According to a study prepared by the Bureau of Justice Statistics<sup>1</sup>, the vast majority (96%) of offenders in child sexual assaults were male. The report also found that offenders who sexually victimized children were more likely to be older. Three-quarters (77%) of all sexual assault offenders were adults; 29% of offenders were over age 34.

In an Ohio case study that compared child sex abusers to non-sexual felony offenders<sup>2</sup>, researchers found...

*Abuse perpetrators were generally employed, had been married at some point in time, were mostly European American, were older than 30 years of age and, if involved in substance abuse, abused alcohol. In contrast, comparison perpetrators were more likely unemployed, mostly single, a member of a minority group, and younger than the abuse perpetrators. If they were involved in substance abuse, drugs were the most frequent abuse in the comparison cohort.*

The following report provides a variety of summary statistics on child sexual assaults in Wisconsin. The report includes an overview of the crime, as well as analyses on offenses, charges, adjustments, offender characteristics, prior convictions, sentence types, and sentence lengths.

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<sup>1</sup> Snyder, H.N. *Sexual assault of young children as reported to law enforcement: Victim, incident, and offender characteristics*. Washington, DC: Bureau of Justice Statistics, 2000.

<sup>2</sup> Cullen, B.J., Smith, P.H., Funk, J.B., & Haaf, R.A. (2000). A comparison study of the criminal justice system's response to child sexual abuse: Are outcomes different with matched samples? *Child Abuse and Neglect*, 24, 569-577.

# SEXUAL ASSAULT OF A CHILD

## BACKGROUND

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Every state has its own definitions of sex crimes against children. In the State of Wisconsin, the criminal code divides child sexual assault into three different offenses. This division allows the State to identify and separate the nuances of the crime and place them into appropriate classification levels. Section 948.02 of Wisconsin Statutes defines sexual assault of a child as:

- (1) *First Degree Sexual Assault.* Whoever has sexual contact or sexual intercourse with a person who has not attained the age of 13 years is guilty of a Class B felony.
- (2) *Second Degree Sexual Assault.* Whoever has sexual contact or sexual intercourse with a person who has not attained the age of 16 years is guilty of a Class C felony.
- (3) *Failure to Act.* A person responsible for the welfare of a child who has not attained the age of 16 years is guilty of a Class F felony if that person has knowledge that another person intends to have, is having or has had sexual intercourse or sexual contact with the child, is physically and emotionally capable of taking action which will prevent the intercourse or contact from taking place or being repeated, fails to take that action and the failure to act exposes the child to an unreasonable risk that intercourse or contact may occur between the child and the other person or facilitates the intercourse or contact that does occur between the child and the other person.

By separating the crime into these three felonies, the State is able to address the unique elements of each offense. In addition, this division allows the Sentencing Commission to isolate and quantify individual sentencing factors identified on the sentencing guidelines worksheets. Ideally, this level of detail will facilitate a more accurate and thorough analysis.

The following report contains information on *1<sup>st</sup> and 2<sup>nd</sup> Degree Sexual Assault of a Child* convictions sentenced between February 2003 and December 2004. The Commission does not collect guidelines worksheets on *Failure to Act* – 948.02(3). As a result, this offense was excluded from the current analysis. The data used for this report were extracted from two separate justice-related data systems. The first system, The Consolidated Court Automation Programs (CCAP), was used to collect case and sentencing information. The second system, the Corrections Accounting Cashiers Unit (CACU), was used to collect offender demographics and prior criminal histories. Cases from these two systems were matched on case number and county number, and integrated into the Commission's database.

Identifying the correct cases to use in this report required creating a set of data parameters. First, the report only contains felony convictions filed and disposed of between February 2003



(Truth-In-Sentencing enactment date) and December 2004. Second, only cases that were sentenced to either probation (sentence withheld and sentence imposed but stayed) or prison/extended supervision were included. This excludes sentences of jail, community service, restitution, costs, or forfeiture/fine. Third, the report only includes cases with guilty dispositions, not deferred, dismissed, not guilty, or amended dispositions. Finally, the report only includes cases where child sexual assault was identified as the major offense<sup>3</sup> in both the CCAP and CACU systems. Multiple-charge cases that included child sexual assault, but where the child sexual assault offense was lesser than the primary/major offense, were not included.

Many of the concepts and terms used throughout this report could be defined in a variety of ways – each producing distinctive results. Therefore, in addition to data parameters, it is also necessary to provide a list of definitions and clarifications. First, race and ethnicity have been combined into four groups: White (Non-Hispanic), Black (Non-Hispanic), Hispanic, and Other Minority. The category of Other Minority, combines American Indian and Asian/Pacific Islander – together they constitute only a fraction of total cases. The category of Hispanic is also a combination of sorts. Since Race and Ethnicity are separate categories on current state forms, a Hispanic individual may be classified as any race (though the vast majority of Hispanic individuals are classified as white). In keeping with the methodology of the U.S. Census Bureau, all individuals of Hispanic ethnicity, regardless of race, are merged into the single category of Hispanic.

It is also critical to provide a description of how prior criminal histories were measured. For this report, prior convictions refers to the number of prior felony cases – not charges – an offender had in the CACU database. Unique cases were identified using the case number and county number variables. Prior convictions included only cases where the major offense was a felony.

Next, it is necessary to clarify the concept of adjustments. Charge adjustments refer to supplementary allegations included in the criminal complaint to reflect aggravating or mitigating circumstances of the crime. Cases reported in the “Aggravator” category are those that contained a penalty enhancer or a statutory aggravating factor, such as habitual criminality or identity concealment. Cases reported in the “Mitigator” category are those that contained other statutory allegations, such as party to the crime, attempt, or conspiracy. (Although courts may not find that all of the adjustments in this category mitigate the severity of a particular offense, in general the “Mitigator” adjustments suggest that the defendant had a lesser degree of involvement in the offense.)

Lastly, with regard to median sentence lengths, probation and prison/extended supervision categories are mutually exclusive. This means that offenders sentenced to probation with a prison sentence imposed and stayed were only counted in the probation totals, not in the prison and extended supervision totals. Although this group of offenders was given a

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<sup>3</sup> A major offense is defined as the most severe offense resulting from a specific circuit court case where the offender was sentenced to some form of DOC oversight.

prison/extended supervision sentence, unless their probation was revoked, they did not actually serve the sentence. And without the ability at this time to identify probation revocations or whether or not an offender actually served time in prison, only the probation sentence could be confidently ascertained.

The information below provides a substantial amount of detail on child sexual assault cases both statewide and regionally. It includes an analysis of child sexual assault cases by offense types (*1st Degree* and *2nd Degree*), charges (single or multiple), and adjustments (aggravator and mitigator). In addition, it offers an overview of cases by race (White, Black, Hispanic, and Other), age (less than 18, 18-22, 23-29, 30-39, greater than 39), and prior felony convictions (0, 1, 2, 3, 4+). Finally, the report presents summary statistics on sentence types (probation or prison/extended supervision) and median sentence lengths. The median, as opposed to the mean/average, was used as the measure of central tendency to reduce the amount of distortion commonly caused by outlying sentences. Also important to note, where multiple charge cases were reviewed, considerations were not given to consecutive and concurrent sentences. A detailed statistical summary of these data can be found in the Appendix (pg. 39).

## STATEWIDE

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### CASES

*Charges [pg. 7]* – According to the Commission’s database there were 516 child sexual assault convictions in the State of Wisconsin between February 2003 and December 2004. *1st Degree Sexual Assault of a Child* accounted for 22% of the cases and *2nd Degree Sexual Assault of a Child* accounted for the remaining 78%. Interesting to note, the percentage of cases with multiple charges to those with single charges was nearly identical between the two offenses. Multiple-charge cases for *1st* and *2nd Degree* offenses comprised 54% and 53%, respectively; however, single-charge cases accounted for somewhat less at 46% and 47%, respectively.

*Adjustments [pg. 7]* – As described in the previous section, charge adjustments refer to supplementary allegations included in the criminal complaint to reflect aggravating or mitigating circumstances of the crime. The current analysis revealed a striking difference between the percent of cases in Wisconsin with adjustments to those without. Adjustments were found in 14% of *1st Degree* cases and 8% of *2nd Degree*. Over 90% of the cases did not include a charge adjustment. Of the few that did, nearly all were cases with multiple charges – only 1% of adjustments were found in single-charge cases.

### OFFENDERS

*Race/Ethnicity [pg. 8]* – As discussed above, this report combined race and ethnicity into four groups: White (Non-Hispanic), Black (Non-Hispanic), Hispanic, and Other Minority. Statewide, almost 90% of child sexual assault offenders were either White or Black (60% and 27%, respectively). Hispanic offenders accounted for 9%, while other minorities accounted for 3%. Between the two offenses, white offenders committed *1st Degree* offenses at a higher rate than *2nd Degree* offenses (70% to 57%), while black offenders committed *2nd Degree* offenses at a higher rate than *1st Degree* offenses (30% to 18%). Also important to note, only 1% of *1st Degree* offenders were other minorities.

*Age [pg. 8]* – Within the State of Wisconsin, the ages of *1st Degree* and *2nd Degree* offenders were largely diverse. Overall, *1st Degree* offenders were considerably older than their *2nd Degree* counterparts. For example, 62% of *1st Degree* offenders were older than 29; however, this percentage dropped to 30% for *2nd Degree* offenders. Rather, *2nd Degree* offenders fell primarily between the ages of 18 and 22. The only age category in which both *1st Degree* and *2nd Degree* offenders had similar percentages was “Less than 18” (6% and 5%, respectively).

*Gender [pg. 8]* – Nearly all child sexual assault offenses in the Commission’s database were committed by male offenders. Although men typically account for the majority of

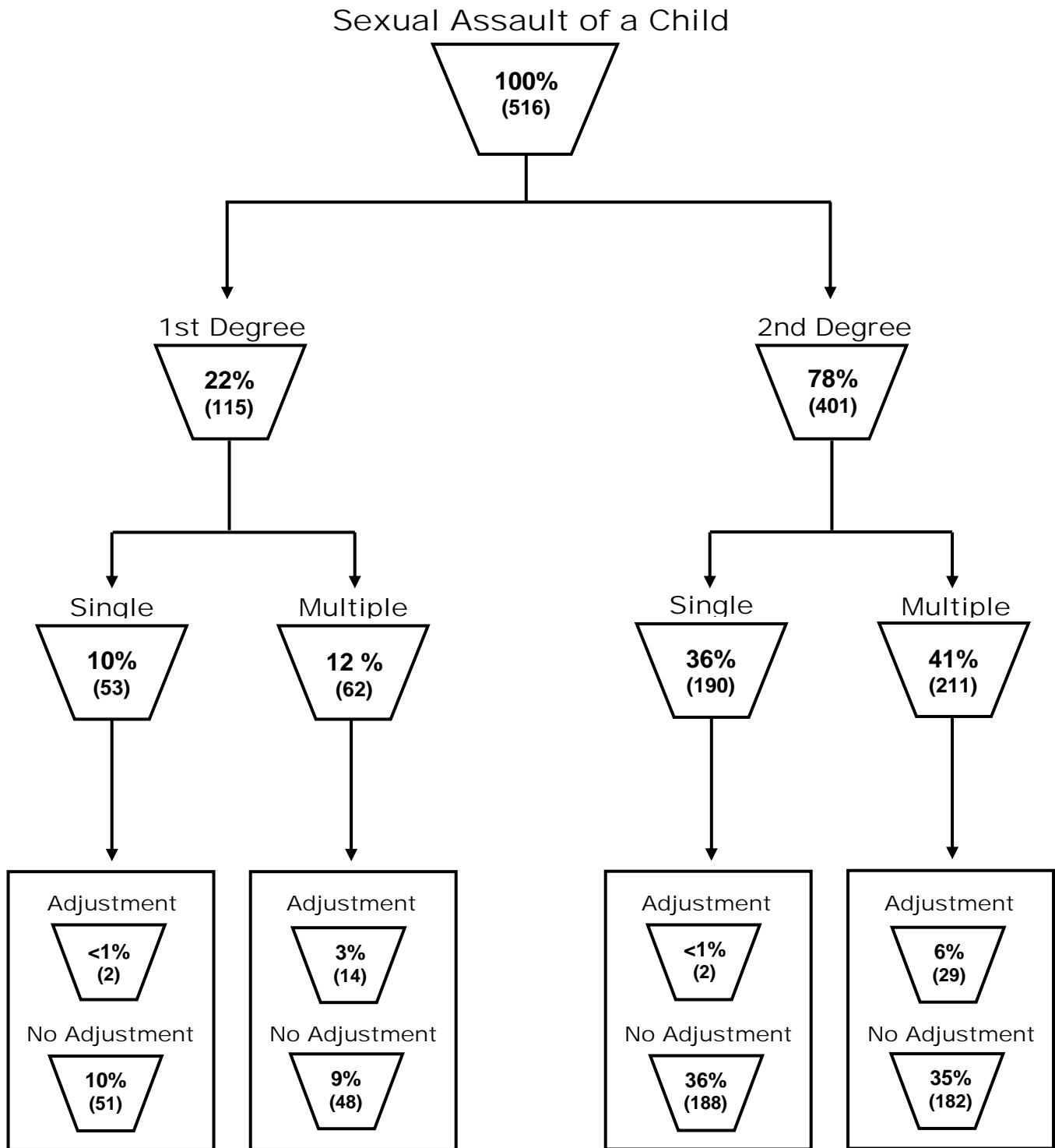
felony offenses, rarely is the gender distribution so pronounced. Between February 2003 and December 2004, only 2% of child sexual assault offenders in the State of Wisconsin were female. This represented 1% of *1st Degree* offenders and 2% of *2nd Degree* offenders.

***Prior Convictions [pg. 8]*** – Statewide, over half of all child sexual assault offenders did not have a prior felony conviction. For 56% of *1st Degree* offenders and 52% of *2nd Degree* offenders this was their first felony conviction. Differences between these two groups of offenders were found in subsequent convictions. For example, 24% of *2nd Degree* offenders had one prior conviction, but this amount dropped to 16% for *1st Degree* offenders. Yet, *1st Degree* offenders had a greater amount of prior convictions overall. Specifically, *1st Degree* offenders had a higher percentage of three or more prior convictions compared to *2nd Degree* offenders (22% and 14%, respectively).

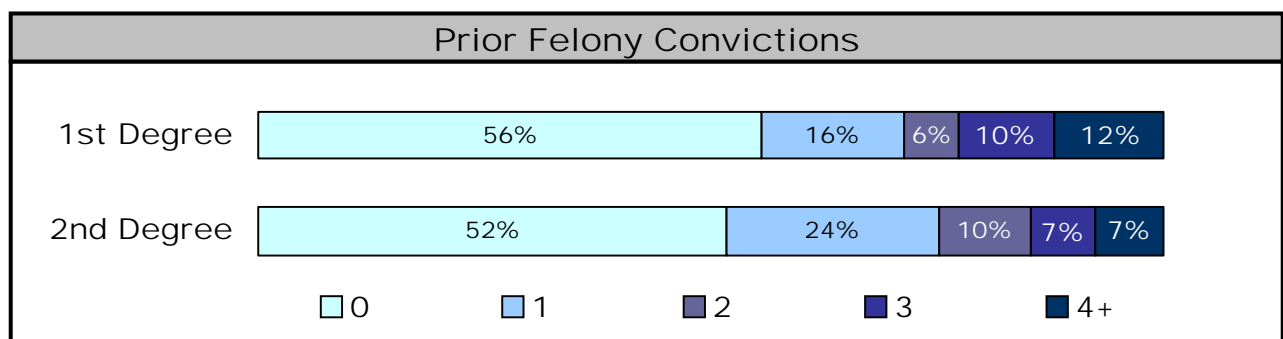
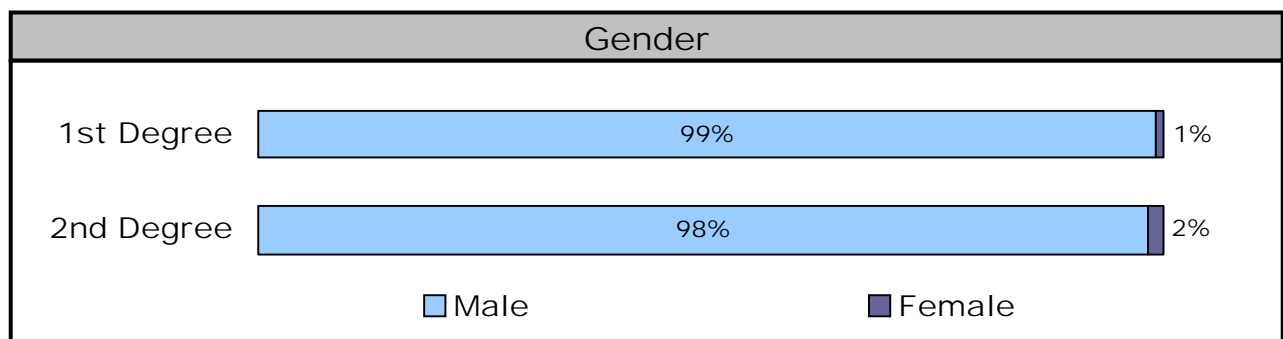
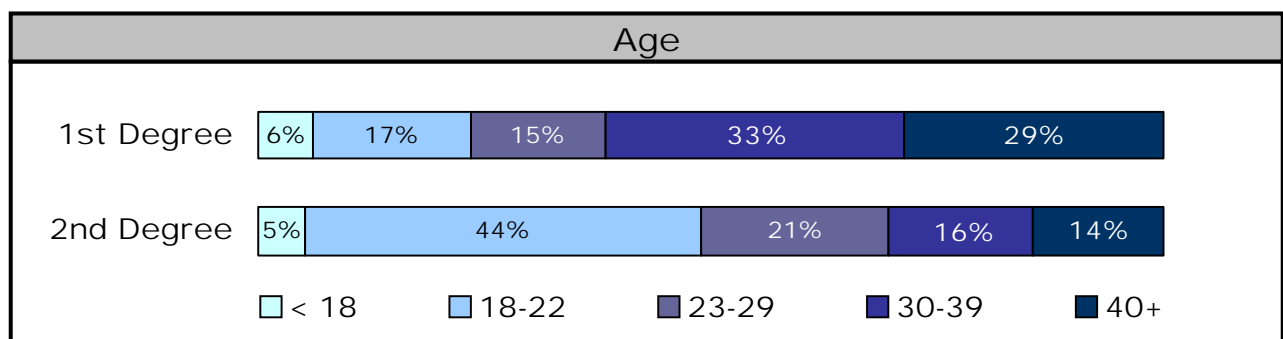
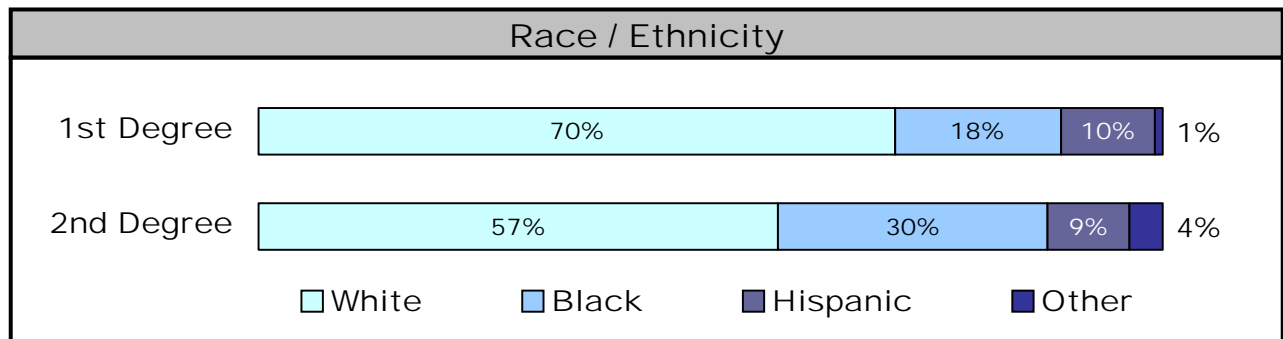
## **SENTENCES**

***Sentences [pg. 9]*** – According to Table 1.1, statistical similarities and differences existed between the two offenses. Similarly, both groups had identical median number of prior convictions (0) and current charges (2). Yet, dissimilarly, the median ages between the two groups were considerably different. *1st Degree* offenders were, on average, 9 years older than *2nd Degree* offenders (32 and 23, respectively). And although less pronounced, differences could also be found in the percentages of aggravating and mitigating factors.

Sentences for these offenses were in direct proportion to the severity of the crime – the more severe the crime, the more severe the sentence and the longer the sentence length. For example, prison was ordered 63% of the time for *1st Degree* offenders, but dropped to 41% for *2nd Degree*. Conversely, probation was ordered 37% of the time for *1st Degree* offenses, but increased to 59% for *2nd Degree*. Another noticeable difference was found between sentence lengths. Offenders convicted of *1st Degree Sexual Assault of a Child* received longer sentences for probation, prison, and extended supervision than those convicted of *2nd Degree*. The median probation sentence for *1st Degree* and *2nd Degree* was 8 years and 5 years, respectively. Similarly, the median sentence lengths for prison and extended supervision were 10 years for *1st Degree*, but dropped to 4 and 6 years for *2nd Degree*.



## STATEWIDE: OFFENDERS



**Table 1.1 – Case & Offender Characteristics**

	1 <sup>st</sup> Degree	2 <sup>nd</sup> Degree
<b>Median Age of Offenders</b>	32	23
<b>Median Number of Prior Misdemeanors</b>	0	0
<b>Median Number of Prior Felonies</b>	0	0
<b>Median Number of Charges</b>	2	2
<b>Percent with Aggravating Factors</b>	9%	5%
<b>Percent with Mitigating Factors</b>	4%	2%

**Median:** Half of the totals were above this amount, half were below. Unlike averages, this measure of central tendency does not add up the amounts and divide by the total.

**Misdemeanors & Felonies:** Median number of prior convicted cases in which the major offense was a misdemeanor or felony.

**Charges:** Median number of charges—child sexual assault or other—included within the current case.

**Aggravating & Mitigating Factors:** Percent of cases with supplementary allegations to reflect aggravating or mitigating circumstances of the crime.

**Table 1.2 – Sentences**

	1 <sup>st</sup> Degree	2 <sup>nd</sup> Degree
Probation		
<b>Percent of Cases</b>	37%	59%
<b>Median Sentence</b>	8 yrs	5 yrs
<b>Inter-Quartile Range</b>	5 – 12.3 yrs	3.9 – 6 yrs
Prison / Extended Supervision		
<b>Percent of Cases</b>	63%	41%
<b>Median Prison Sentence</b>	10 yrs	4 yrs
<b>Inter-Quartile Prison Range</b>	5 – 15 yrs	3 – 7 yrs
<b>Median ES Sentence</b>	10 yrs	6 yrs
<b>Inter-Quartile ES Range</b>	6 – 12 yrs	4 – 8 yrs

**Percent of Cases:** Percent of cases (by offense) sentenced to either probation or prison/extended supervision. Added together, the percentages should equal 100%.

**Median Sentence Lengths:** Half of the sentences are above this amount, half are below.

**Inter-Quartile Range:** IQR represents the middle 50% of sentence lengths. Unlike averages, this range reduces outlier distortion by eliminating low and high amounts.

### CASES

*Charges [pg. 12]* – According to the Commission’s database, there were 130 child sexual assault convictions in Milwaukee between February 2003 and December 2004. *1st Degree Sexual Assault of a Child* accounted for 20% of these cases, while *2nd Degree Sexual Assault of a Child* accounted for the remaining 80%. Interesting to note, the percentage of cases with multiple charges to those with single charges was identical between the two offenses. Single-charge cases for *1st* and *2nd Degree* offenses both comprised 69%; however, multiple-charge cases accounted for substantially less at 31%.

*Adjustments [pg. 12]* – As described above, charge adjustments refer to supplementary allegations included in the criminal complaint to reflect aggravating or mitigating circumstances of the crime. The current analysis revealed a striking difference between the percent of cases in Milwaukee with adjustments to those without. Adjustments were not found in any *1st Degree* cases and only 3% of *2nd Degree*. Over 95% of the child sexual assault cases did not include a charge adjustment. Of the few that did, all were cases with multiple charges.

### OFFENDERS

*Race/Ethnicity [pg. 13]* – Nearly 85% of child sexual assault offenders in Milwaukee were either White or Black (18% and 65%, respectively). Hispanic offenders accounted for 14%, while other minorities accounted for 2%. Between the two offenses, white offenders committed *1st Degree* offenses at a higher rate than *2nd Degree* offenses (23% to 17%), while black offenders committed *2nd Degree* offenses at a higher rate than *1st Degree* offenses (68% to 54%). Also important to note, this region did not have any *1st Degree* offenses committed by other minorities.

*Age [pg. 13]* – Within Milwaukee, the ages of *1st Degree* and *2nd Degree* offenders were largely diverse. Overall, *1st Degree* offenders were considerably older than their *2nd Degree* counterparts. For example, 54% of *1st Degree* offenders were older than 29, yet this percentage dropped to 31% for *2nd Degree* offenders. *2nd Degree* offenders, rather, fell primarily between the ages of 18 and 22. The only age category in which both *1st Degree* and *2nd Degree* offenders had similar percentages (0% and 2%, respectively) was “Less than 18.”

*Gender [pg. 13]* – Nearly all child sexual assault offenses in the Commission’s database were committed by male offenders. Between February 2003 and December 2004, only 2% of child sexual assault offenders in the Milwaukee were female. This represented 4% of *1st Degree* offenders and 1% of *2nd Degree* offenders.

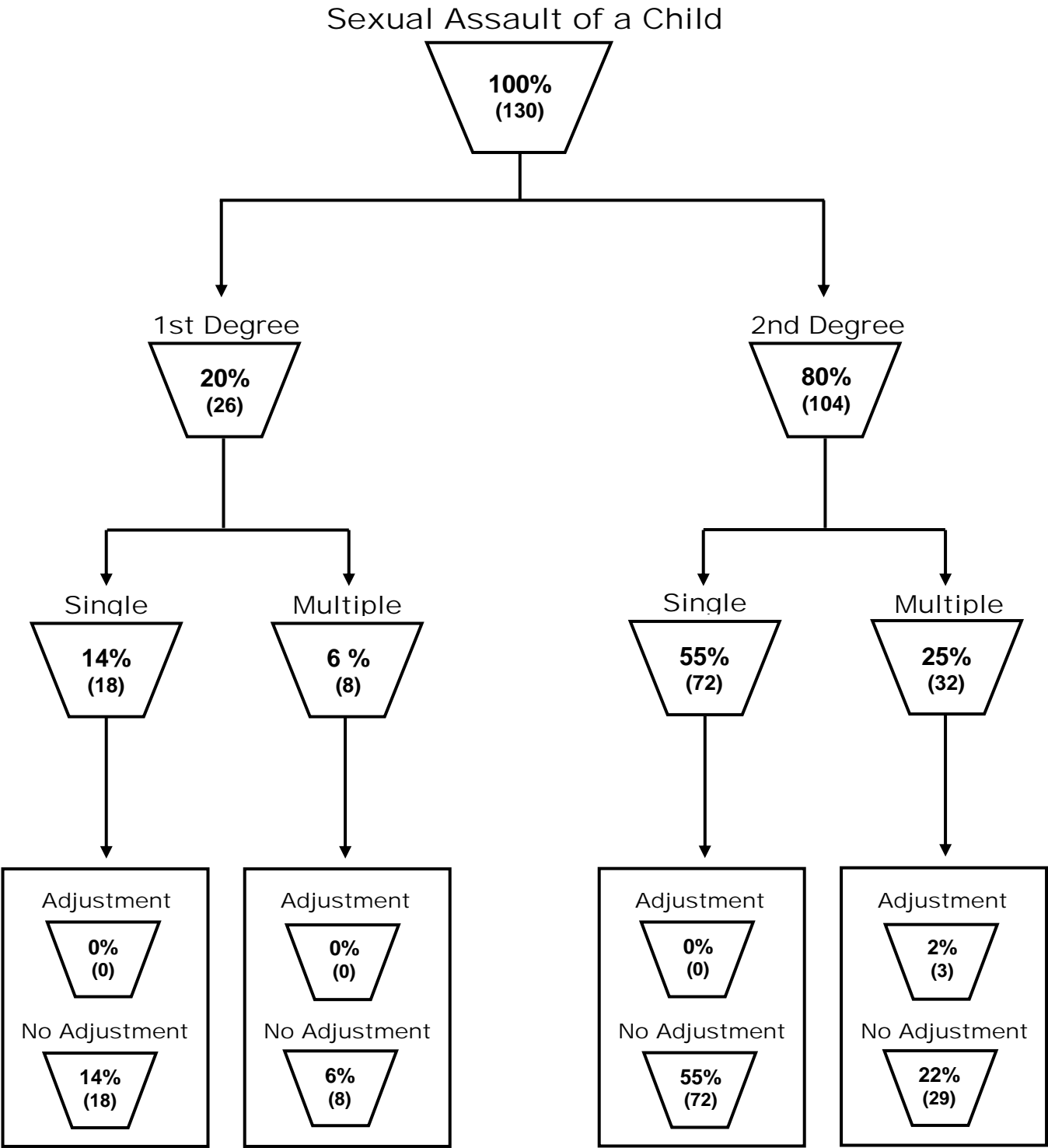


***Prior Convictions [pg. 13]*** – Nearly half of all child sexual assault offenders in this region did not have a prior felony conviction. This was the first felony for 50% of *1st Degree* offenders and 45% of *2nd Degree* offenders. Differences between these two groups of offenders were found in subsequent convictions. For example, 34% of *2nd Degree* offenders had one prior conviction, but only 15% for *1st Degree*. Yet, *1st Degree* offenders had a greater amount of prior convictions overall. Specifically, *1st Degree* offenders had a higher percentage of “3+” prior convictions compared to *2nd Degree* offenders (31% and 10%, respectively).

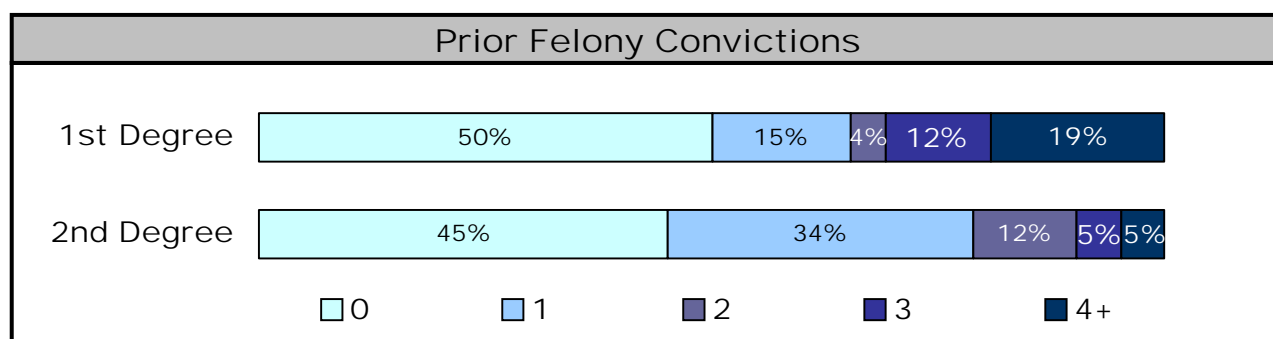
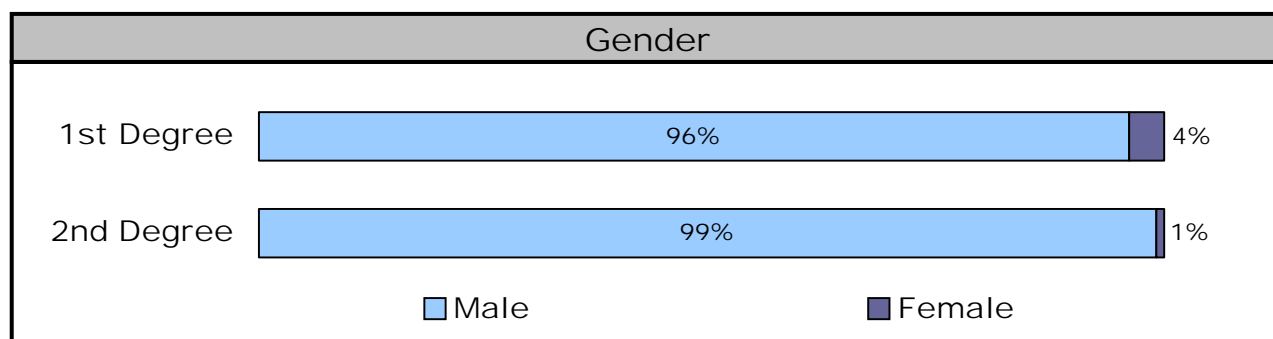
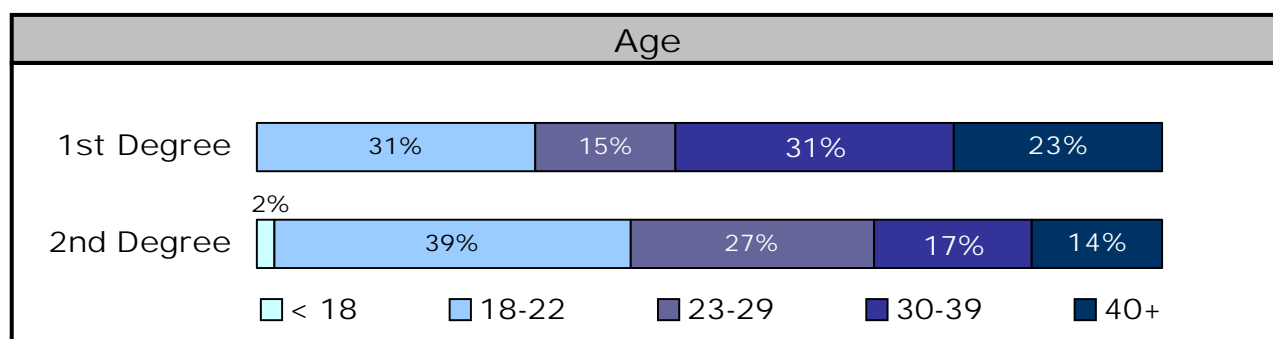
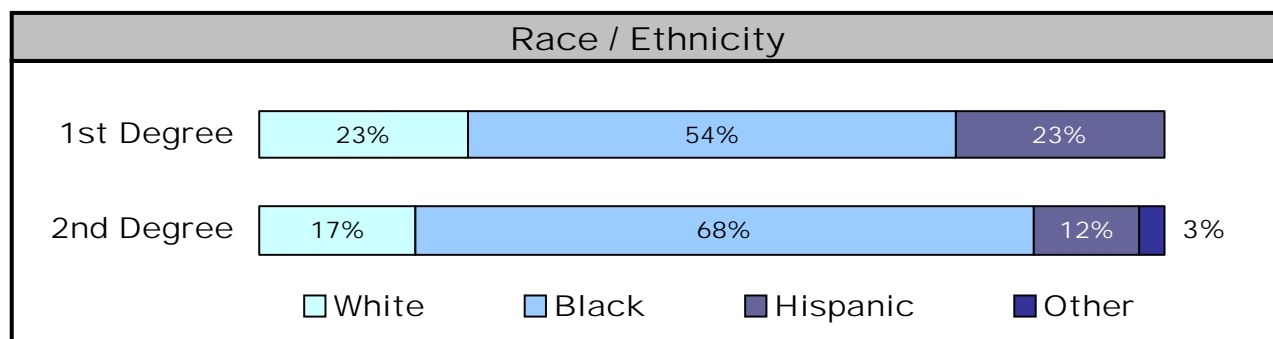
## **SENTENCES**

***Sentences [pg. 14]*** – According to Table 2.1, statistical similarities and differences existed between the two offenses. Similarly, both groups had identical median number of prior convictions (0) and current charges (1). Yet, dissimilarly, the median ages between the two groups were somewhat different. *1st Degree* offenders were, on average, 6 years older than *2nd Degree* offenders (30 and 24, respectively).

Sentences for these offenses were in direct proportion to the severity of the crime – the more severe the crime, the more severe the sentence and the longer the sentence length. For example, prison was ordered 77% of the time for *1st Degree* but dropped to 53% for *2nd Degree*. Conversely, probation was ordered 23% of the time for *1st Degree* but increased to 47% for *2nd Degree*. Another noticeable difference was found between the sentences lengths. Offenders convicted of *1st Degree* received longer sentences for probation, prison, and extended supervision than those convicted of *2nd Degree*. The median probation sentence for *1st Degree* and *2nd Degree* was 5 years and 4 years, respectively. Similarly, the median sentence lengths for prison and extended supervision were both 6.8 years for *1st Degree*, but dropped to 3 and 5 years for *2nd Degree*.



## MILWAUKEE: OFFENDERS



**Table 2.1 – Case & Offender Characteristics**

	1 <sup>st</sup> Degree	2 <sup>nd</sup> Degree
<b>Median Age of Offenders</b>	30	24
<b>Median Number of Prior Misdemeanors</b>	0	0
<b>Median Number of Prior Felonies</b>	0	0
<b>Median Number of Charges</b>	1	1
<b>Percent with Aggravating Factors</b>	0%	0%
<b>Percent with Mitigating Factors</b>	0%	3%

**Median:** Half of the totals were above this amount, half were below. Unlike averages, this measure of central tendency does not add up the amounts and divide by the total.

**Misdemeanors & Felonies:** Median number of prior convicted cases in which the major offense was a misdemeanor or felony.

**Charges:** Median number of charges—child sexual assault or other—included within the current case.

**Aggravating & Mitigating Factors:** Percent of cases with supplementary allegations to reflect aggravating or mitigating circumstances of the crime.

**Table 2.2 – Sentences**

	1 <sup>st</sup> Degree	2 <sup>nd</sup> Degree
Probation		
<b>Percent of Cases</b>	23%	47%
<b>Median Sentence</b>	5 yrs	4 yrs
<b>Inter-Quartile Range</b>	4.3 – 5.8 yrs	3.5 – 5 yrs
Prison / Extended Supervision		
<b>Percent of Cases</b>	77%	53%
<b>Median Prison Sentence</b>	6.5 yrs	3 yrs
<b>Inter-Quartile Prison Range</b>	3.2 – 14.3 yrs	2 – 7.5 yrs
<b>Median ES Sentence</b>	6.8 yrs	5 yrs
<b>Inter-Quartile ES Range</b>	5.3 – 10 yrs	3.5 – 7 yrs

**Percent of Cases:** Percent of cases (by offense) sentenced to either probation or prison/extended supervision. Added together, the percentages should equal 100%.

**Median Sentence Lengths:** Half of the sentences are above this amount, half are below.

**Inter-Quartile Range:** IQR represents the middle 50% of sentence lengths. Unlike averages, this range reduces outlier distortion by eliminating low and high amounts.

### CASES

**Charges [pg. 17]** – According to the Commission’s database, there were 47 child sexual assault convictions in the Dane/Rock region between February 2003 and December 2004. *1st Degree Sexual Assault of a Child* accounted for 28% of these cases, while *2nd Degree Sexual Assault of a Child* accounted for the remaining 72%. Interesting to note, the percentage of cases with multiple charges to those with single charges was identical between the two offenses. Multiple-charge cases for *1st* and *2nd Degree* offenses both comprised 62%; however, single-charge cases accounted for substantially less at 38%.

**Adjustments [pg. 17]** – As described above, charge adjustments refer to supplementary allegations included in the criminal complaint to reflect aggravating or mitigating circumstances of the crime. The current analysis revealed a striking difference between the percent of cases in Dane/Rock with adjustments to those without. Adjustments were found in 23% of *1st Degree* cases and 18% of *2nd Degree*. Over 80% of the cases did not include a charge adjustment. Of the few that did, all were cases with multiple charges.

### OFFENDERS

**Race/Ethnicity [pg. 18]** – Nearly 90% of child sexual assault offenders in Dane/Rock were either White or Black (55% and 32%, respectively). Hispanic offenders accounted for 11%, while other minorities accounted for 2%. Between the two offenses, white offenders committed *1st Degree* offenses at a higher rate than *2nd Degree* offenses (69% to 50%), while black offenders committed *2nd Degree* offenses at a higher rate than *1st Degree* offenses (35% to 23%). Also interesting to note, this region did not have any *1st Degree* offenses committed by other minorities.

**Age [pg. 18]** – Within this region, the median ages of *1st Degree* and *2nd Degree* offenders were largely diverse. Overall, *1st Degree* offenders were considerably older than their *2nd Degree* counterparts. For example, 77% of *1st Degree* offenders were older than 29, yet this percentage dropped to 18% for *2nd Degree* offenders. Instead, *2nd Degree* offenders fell primarily between the ages of 18 and 22.

**Gender [pg. 18]** – All child sexual assault offenses in this region were committed by male offenders. Between February 2003 and December 2004, there were no female child sexual assault offenders in Dane/Rock. All offenses were committed by male offenders.

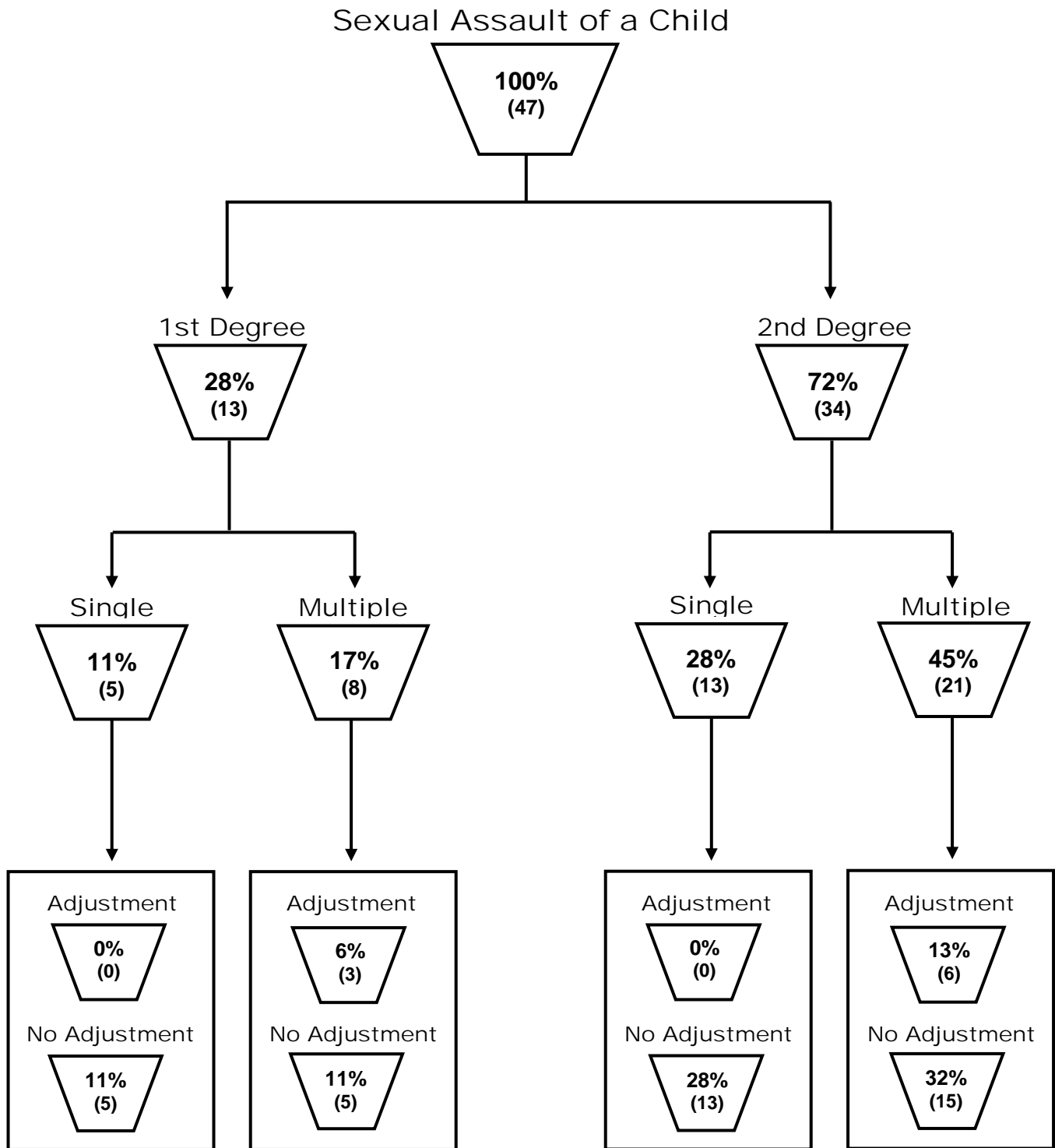
**Prior Convictions [pg. 18]** – In Dane/Rock, over half of all child sexual assault offenders did not have a prior felony conviction. This was the first felony for 62% of *1st Degree*

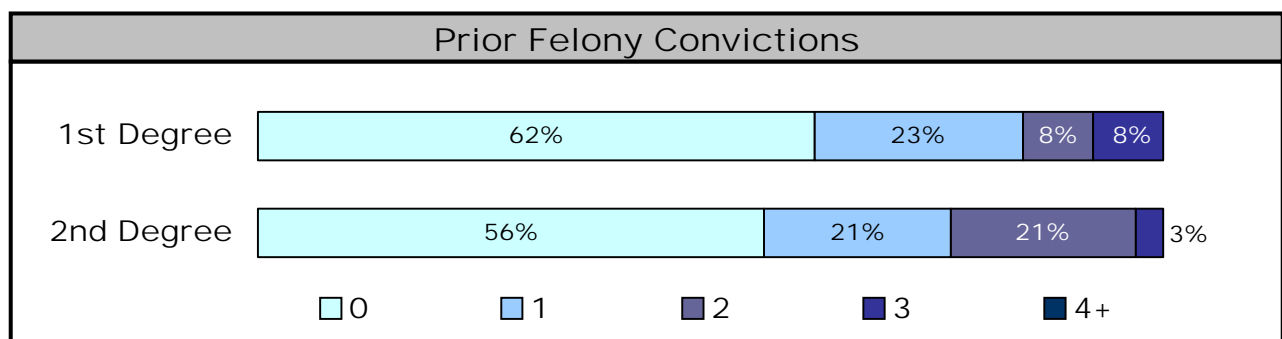
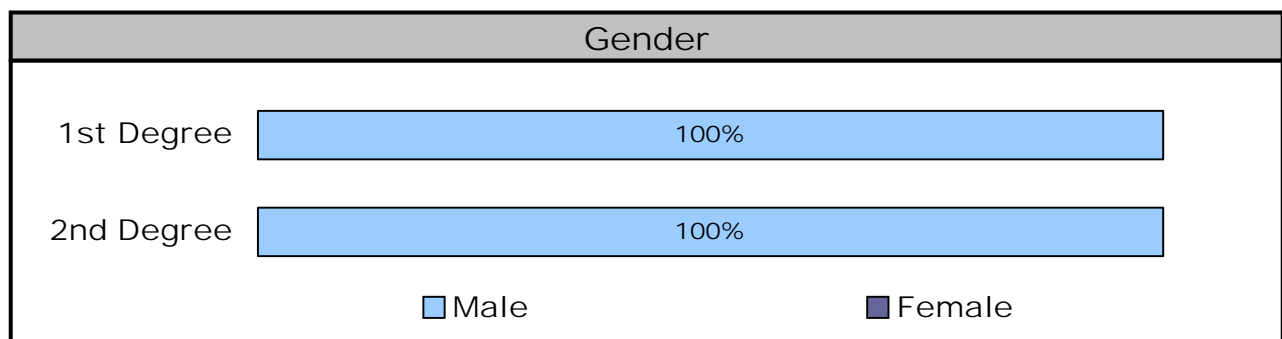
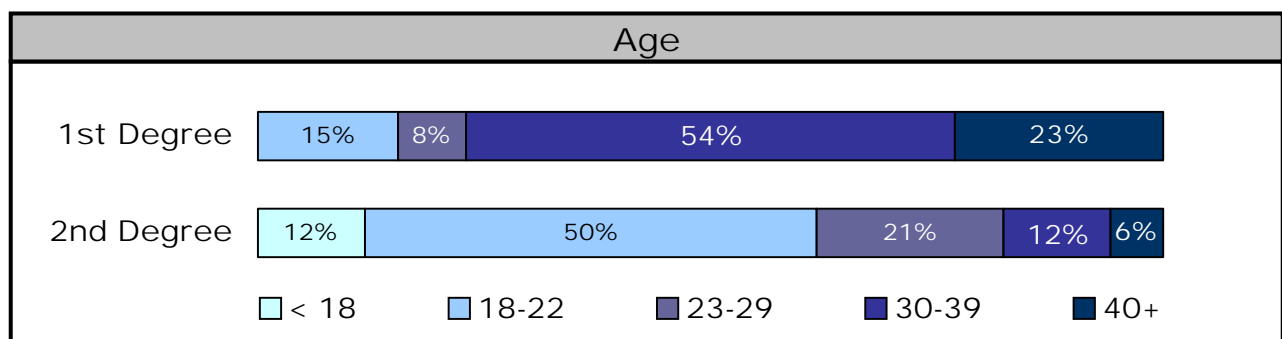
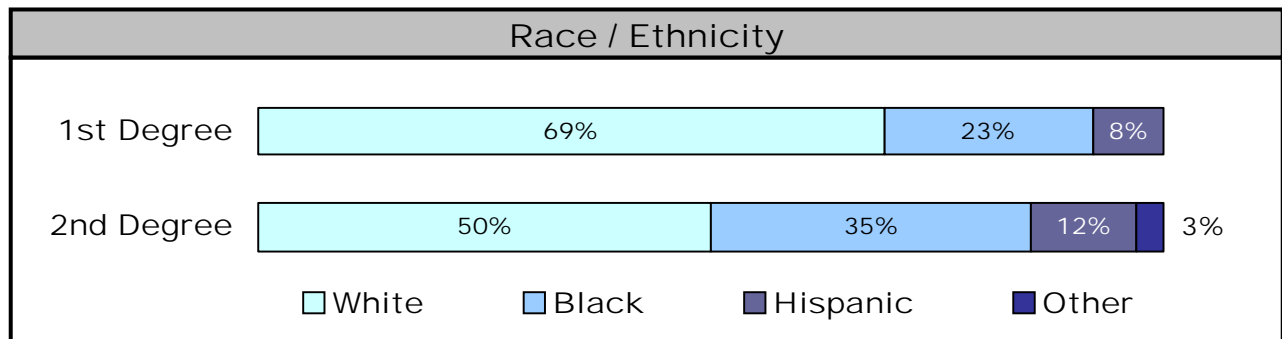
offenders and 56% of *2nd Degree* offenders. Overall, these two groups of offenders had relatively similar conviction rates. For example, 23% of *1st Degree* offenders and 21% of *2nd Degree* offenders had one prior conviction. Similarly, neither *1st Degree* nor *2nd Degree* offenders had more than four prior convictions.

## SENTENCES

*Sentences [pg. 19]* – According to Table 3.1, statistical similarities and differences existed between the two offenses. Similarly, both groups had identical median number of prior convictions (0) and current charges (2). Yet, dissimilarly, the median ages between the two groups were considerably different. *1st Degree* offenders were, on average, 17 years older than *2nd Degree* offenders (37 and 20, respectively). And although less pronounced, differences could also be found in the percents of aggravating and mitigating factors.

Sentences for these offenses were in direct proportion to the severity of the crime – the more severe the crime, the more severe the sentence and the longer the sentence length. For example, prison was ordered 92% of the time for *1st Degree* offenders but dropped to 44% for *2nd Degree*. Conversely, probation was ordered 8% of the time for *1st Degree* offenses but increased to 56% for *2nd Degree*. Another noticeable difference was found between the sentence lengths of *1st* and *2nd Degree Sexual Assault of a Child*. Offenders convicted of *1st Degree* received longer sentences for probation, prison, and extended supervision than those convicted of *2nd Degree*. The median probation sentence for *1st Degree* and *2nd Degree* was 10 years and 6 years, respectively. Similarly, the median sentence lengths for prison and extended supervision were 11 and 10 years for *1st Degree*, but dropped to 4 and 6 years for *2nd Degree*.







**Table 3.1 – Case & Offender Characteristics**

	1 <sup>st</sup> Degree	2 <sup>nd</sup> Degree
<b>Median Age of Offenders</b>	37	20
<b>Median Number of Prior Misdemeanors</b>	0	0
<b>Median Number of Prior Felonies</b>	0	0
<b>Median Number of Charges</b>	2	2
<b>Percent with Aggravating Factors</b>	15%	6%
<b>Percent with Mitigating Factors</b>	8%	9%

**Median:** Half of the totals were above this amount, half were below. Unlike averages, this measure of central tendency does not add the amounts and divide by the total.

**Misdemeanors & Felonies:** Median number of prior convicted cases in which the major offense was a misdemeanor or felony.

**Charges:** Median number of charges—child sexual assault or other—included within the current case.

**Aggravating & Mitigating Factors:** Percent of cases with supplementary allegations to reflect aggravating or mitigating circumstances of the crime.

**Table 3.2 – Sentences**

	1 <sup>st</sup> Degree	2 <sup>nd</sup> Degree
Probation		
<b>Percent of Cases</b>	8%	56%
<b>Median Sentence</b>	10 yrs	6 yrs
<b>Inter-Quartile Range</b>	10 -10 yrs	4.5 – 10 yrs
Prison / Extended Supervision		
<b>Percent of Cases</b>	92%	44%
<b>Median Prison Sentence</b>	11 yrs	4 yrs
<b>Inter-Quartile Prison Range</b>	6.8 – 15 yrs	3.5 – 5.5 yrs
<b>Median ES Sentence</b>	10 yrs	6 yrs
<b>Inter-Quartile ES Range</b>	9 – 11.3 yrs	4.5 – 8 yrs

**Percent of Cases:** Percent of cases (by offense) sentenced to either probation or prison/extended supervision. Added together, the percentages should equal 100%.

**Median Sentence Lengths:** Half of the sentences are above this amount, half are below.

**Inter-Quartile Range:** IQR represents the middle 50% of sentence lengths. Unlike averages, this range reduces outlier distortion by eliminating low and high amounts.

## REGIONS: FOX VALLEY

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### CASES

*Charges [pg. 22]* – According to the Commission’s database, there were 49 child sexual assault convictions in the Fox Valley region between February 2003 and December 2004. *1st Degree Sexual Assault of a Child* accounted for 24% of these cases, while *2nd Degree Sexual Assault of a Child* accounted for the remaining 76%. Interesting to note, the percentage of cases with multiple charges to those with single charges was somewhat different between the two offenses. Multiple-charge cases for *1st* and *2nd Degree* offenses comprised 67% and 51%, respectively; however, single-charge cases accounted for substantially less at 33% and 43%, respectively.

*Adjustments [pg. 22]* – As described above, charge adjustments refer to supplementary allegations included in the criminal complaint to reflect aggravating or mitigating circumstances of the crime. The current analysis revealed a striking difference between the percent of cases in Fox Valley with adjustments to those without. Adjustments were found in 25% of *1st Degree* cases and 14% of *2nd Degree*. Over 80% of the cases did not include a charge adjustment. Of the few that did, all were cases with multiple charges.

### OFFENDERS

*Race/Ethnicity [pg. 23]* – Over 90% of child sexual assault offenders in Fox Valley were either White or Black (51% and 41%, respectively). Hispanic offenders accounted for 8%, while other minorities did not account for any. Between the two offenses, white offenders committed *1st Degree* offenses at a higher rate than *2nd Degree* offenses (67% to 46%), while black offenders committed *2nd Degree* offenses at a higher rate than *1st Degree* offenses (43% to 33%). Also important to note, Hispanic offenders in this region did not commit any *1st Degree* offenses.

*Age [pg. 23]* – Within this region, the ages of *1st Degree* and *2nd Degree* offenders were largely diverse. Overall, *1st Degree* offenders were considerably older than their *2nd Degree* counterparts. For example, 59% of *1st Degree* offenders were older than 29, yet this percentage dropped to 30% for *2nd Degree* offenders. Instead, *2nd Degree* offenders fell primarily between the ages of 18 and 22 (49%). The only age category in which both *1st Degree* and *2nd Degree* offenders had somewhat similar percentages (8% and 3%, respectively) was “Less than 18.”

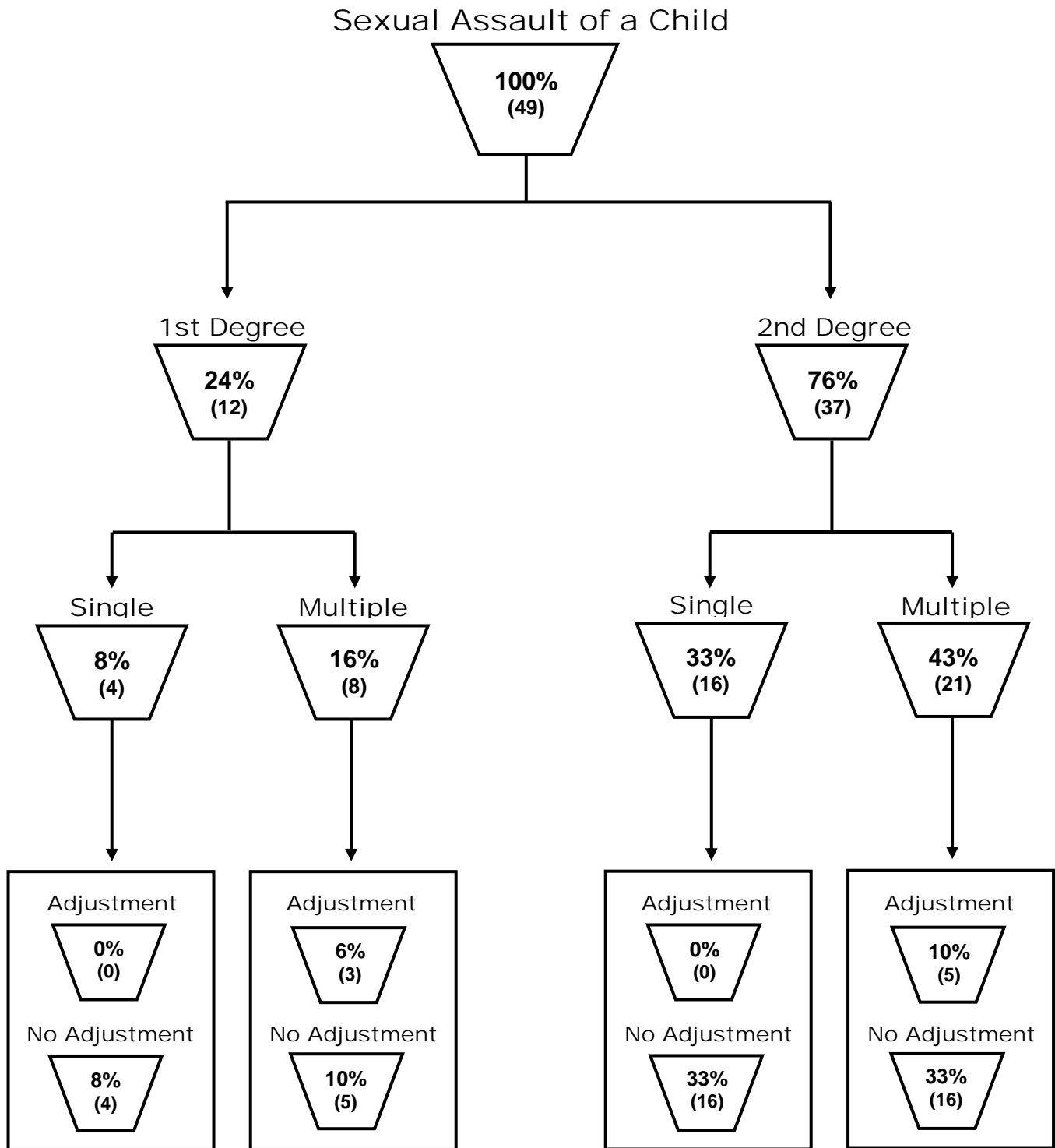
*Gender [pg. 23]* – All child sexual assault offenses in this region were committed by male offenders. Between February 2003 and December 2004, there were no female child sexual assault offenders Fox Valley.

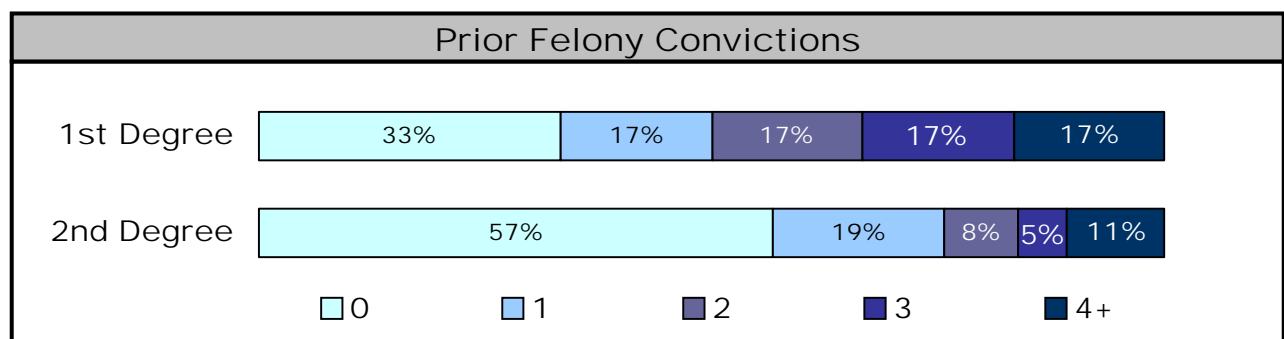
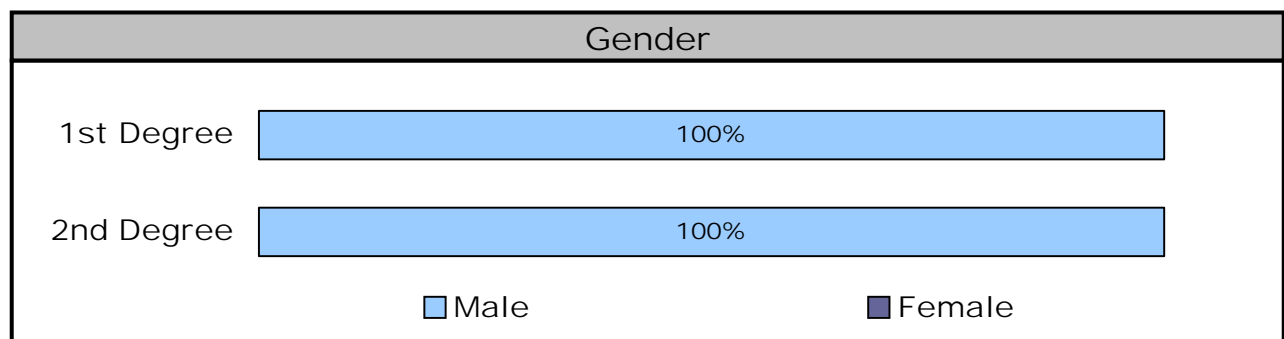
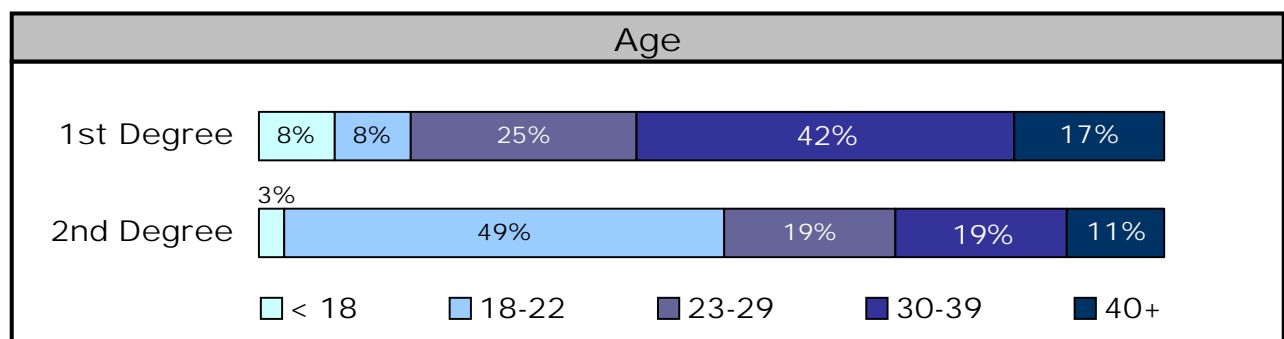
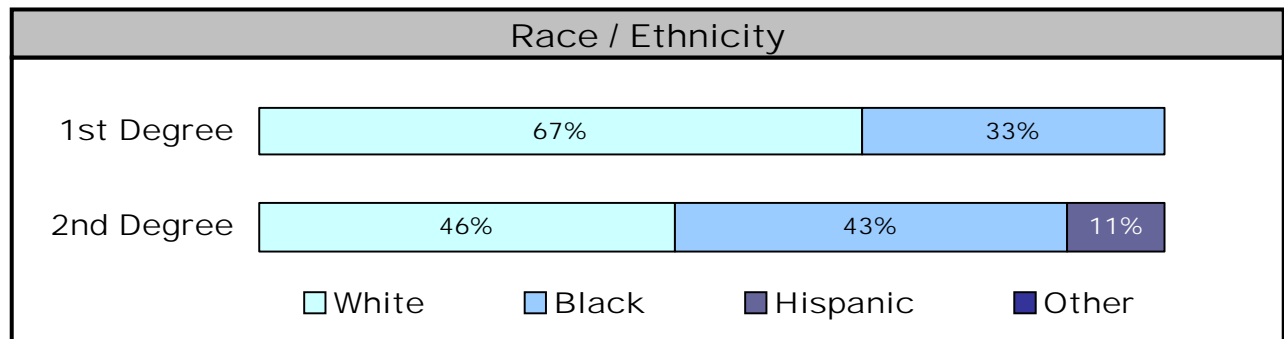
**Prior Convictions [pg. 23]** – A greater percentage of *2nd Degree* offenders than *1st Degree* offenders in this region did not have a prior felony conviction. This was the first felony for 57% of *2nd Degree* offenders and 33% for *1st Degree* offenders. Overall, these two groups of offenders had relatively similar conviction rates. For example, 17% of *1st Degree* offenders and 19% of *2nd Degree* offenders had one prior conviction. Yet, differences were found between these two groups with regard to subsequent convictions. Specifically, *1st Degree* offenders had a higher percentage of three or more prior convictions compared to *2nd Degree* offenders (34% and 16%, respectively).

## **SENTENCES**

**Sentences [pg. 24]** – According to Table 4.1, statistical similarities and differences existed between the two offenses. Similarly, both groups had identical or nearly identical median number of prior convictions and current charges. Yet, dissimilarly, the median ages between the two groups were considerably different. *1st Degree* offenders were, on average, 10 years older than *2nd Degree* offenders (32 and 22, respectively). And although less pronounced, differences could also be found in the percentages of aggravating and mitigating factors.

Sentences for these offenses were in direct proportion to the severity of the crime – the more severe the crime, the more severe the sentence and the longer the sentence length. For example, prison was ordered 50% of the time for *1st Degree* but dropped to 26% for *2nd Degree*. Conversely, probation was ordered 50% of the time for *1st Degree* but increased to 74% for *2nd Degree*. Another noticeable difference found between these two offenses pertained to sentence lengths. Offenders convicted of *1st Degree* received longer sentences for probation, prison, and extended supervision than those convicted of *2nd Degree*. The median probation sentence for *1st Degree* and *2nd Degree* was 7 years and 5 years, respectively. Similarly, the median sentence lengths for prison and extended supervision were 8 and 12 years for *1st Degree*, but dropped to 4.5 and 7 years for *2nd Degree*.





**Table 4.1 – Case & Offender Characteristics**

	1 <sup>st</sup> Degree	2 <sup>nd</sup> Degree
<b>Median Age of Offenders</b>	32	22
<b>Median Number of Prior Misdemeanors</b>	0	0
<b>Median Number of Prior Felonies</b>	1	0
<b>Median Number of Charges</b>	2	2
<b>Percent with Aggravating Factors</b>	8%	14%
<b>Percent with Mitigating Factors</b>	8%	0%

**Median:** Half of the totals were above this amount, half were below. Unlike averages, this measure of central tendency does not add up the amounts and divide by the total.

**Misdemeanors & Felonies:** Median number of prior convicted cases in which the major offense was a misdemeanor or felony.

**Charges:** Median number of charges—child sexual assault or other—included within the current case.

**Aggravating & Mitigating Factors:** Percent of cases with supplementary allegations to reflect aggravating or mitigating circumstances of the crime.

**Table 4.2 – Sentences**

	1 <sup>st</sup> Degree	2 <sup>nd</sup> Degree
Probation		
<b>Percent of Cases</b>	42%	73%
<b>Median Sentence</b>	7 yrs	5 yrs
<b>Inter-Quartile Range</b>	5 – 7 yrs	4 – 5 yrs
Prison / Extended Supervision		
<b>Percent of Cases</b>	58%	27%
<b>Median Prison Sentence</b>	8 yrs	4.5 yrs
<b>Inter-Quartile Prison Range</b>	5.5 – 9 yrs	1.6 – 6 yrs
<b>Median ES Sentence</b>	12 yrs	7 yrs
<b>Inter-Quartile ES Range</b>	9.1 – 12.5 yrs	3.3 – 8 yrs

**Percent of Cases:** Percent of cases (by offense) sentenced to either probation or prison/extended supervision. Added together, the percentages should equal 100%.

**Median Sentence Lengths:** Half of the sentences were above this amount, half were below.

**Inter-Quartile Range:** IQR represents the middle 50% of sentence lengths. Unlike averages, this range reduces outlier distortion by eliminating low and high amounts.

### CASES

**Charges [pg. 27]** – According to the Commission’s database there were 66 child sexual assault convictions in the State of Wisconsin between February 2003 and December 2004. *1st Degree Sexual Assault of a Child* accounted for 24% of these cases, while *2nd Degree Sexual Assault of a Child* accounted for the remaining 76%. Interesting to note, the percentage of cases with multiple charges to those with single charges was somewhat different between the two offenses. Single-charge cases for *1st* and *2nd Degree* offenses comprised 69% and 52%, respectively; however, multiple-charge cases accounted for substantially less at 31% and 48%, respectively.

**Adjustments [pg. 27]** – As described above, charge adjustments refer to supplementary allegations included in the criminal complaint to reflect aggravating or mitigating circumstances of the crime. The current analysis revealed a striking difference between the percent of cases with adjustments to those without. Adjustments were found in 6% of *1st Degree* cases and 4% of *2nd Degree*. Over 90% of the cases did not include a charge adjustment.

### OFFENDERS

**Race/Ethnicity [pg. 28]** – Over 80% of child sexual assault offenders in Racine/Kenosha were either White or Black (70% and 12%, respectively). Hispanic offenders accounted for 14%, while other minorities accounted for 5%. Between the two offenses, white offenders committed *1st Degree* offenses at a higher rate than *2nd Degree* offenses (81% to 66%), while black offenders committed *2nd Degree* offenses at a higher rate than *1st Degree* offenses (16% to 0%). Also important to note, other minorities were not convicted of any *1st Degree* offenses in this region.

**Age [pg. 28]** – The ages of *1st Degree* and *2nd Degree* offenders in this region were largely diverse. Overall, *1st Degree* offenders were considerably older than their *2nd Degree* counterparts. For example, 69% of *1st Degree* offenders were older than 29, yet this percentage dropped to 32% for *2nd Degree* offenders. Instead, *2nd Degree* offenders fell primarily between the ages of 18 and 22 (46%). The only age category in which both *1st Degree* and *2nd Degree* offenders had somewhat similar percentages (6% and 12%, respectively) was “Less than 18.”

**Gender [pg. 28]** – Nearly all child sexual assault offenses in Racine/Kenosha were committed by male offenders. Between February 2003 and December 2004, only 2% of child sexual assault offenders in this region were female. In those few instances, all cases were for *2nd Degree*.

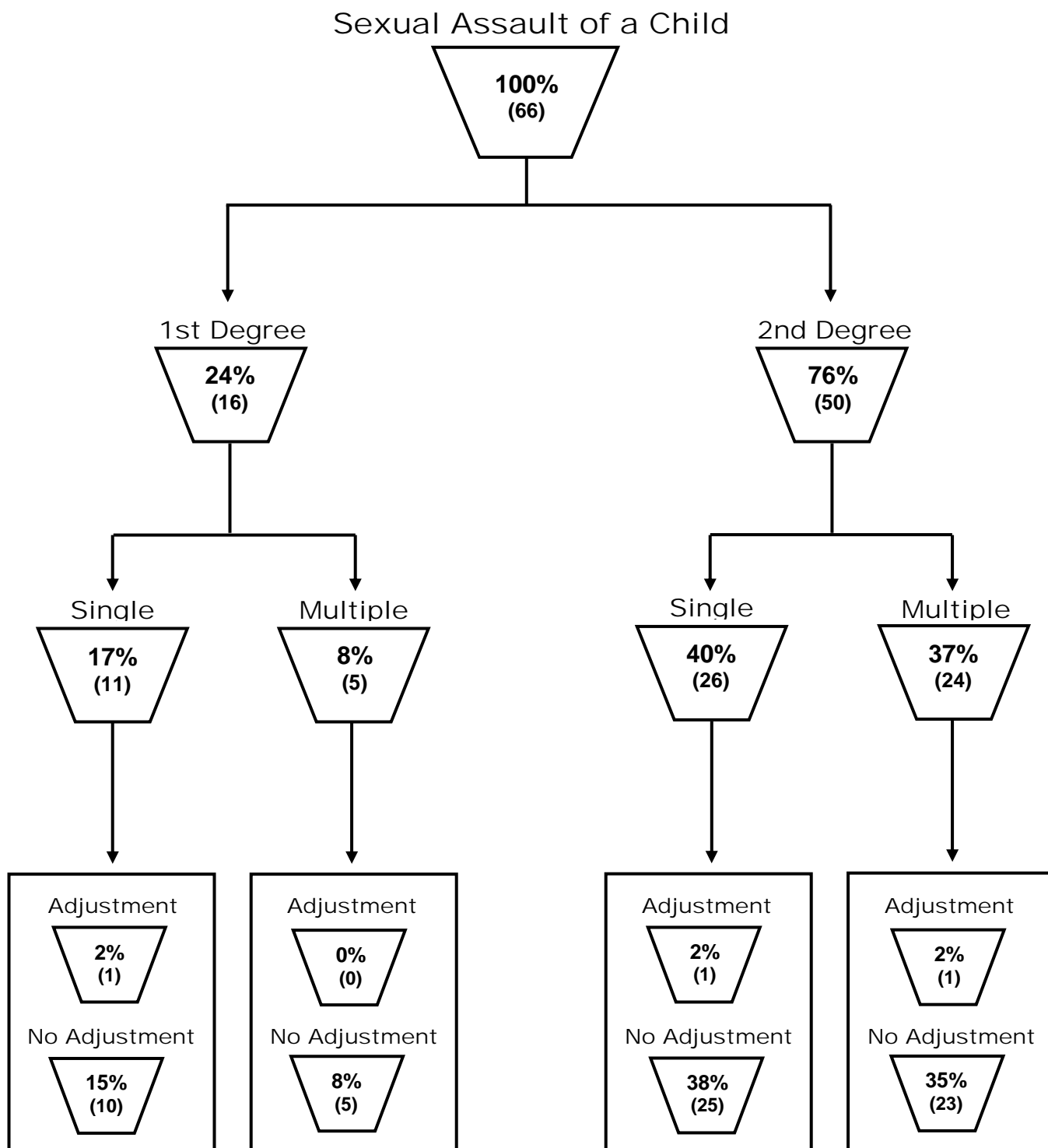
***Prior Convictions [pg. 28]*** – Two-thirds of all child sexual assault offenders in this region did not have a prior felony conviction. This was the first felony for 69% of *1st Degree* offenders and 64% of *2nd Degree* offenders. Overall, these two groups of offenders had relatively similar conviction rates. For example, 19% of *1st Degree* offenders and 12% of *2nd Degree* offenders had one prior conviction. Yet, differences were found between these two groups with regard to subsequent convictions. Specifically, *1st Degree* offenders had a lower percentage of three or more prior convictions compared to *2nd Degree* offenders (6% and 16%, respectively).

## **SENTENCES**

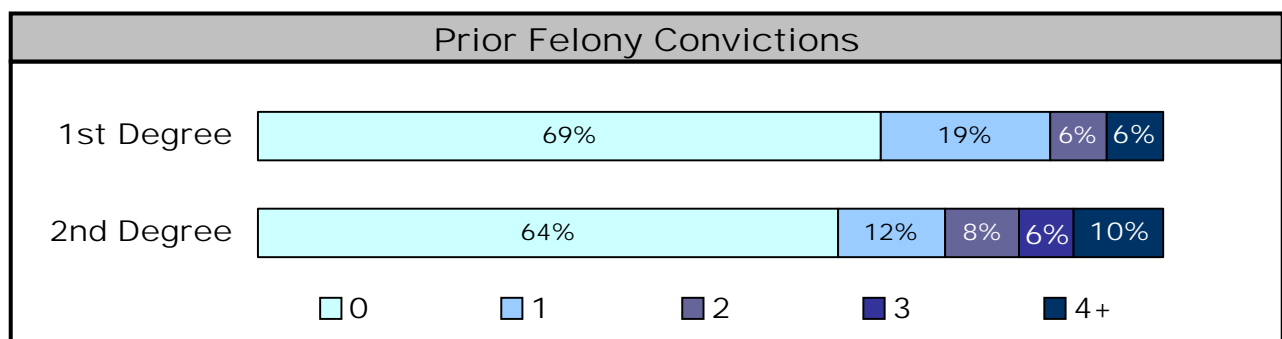
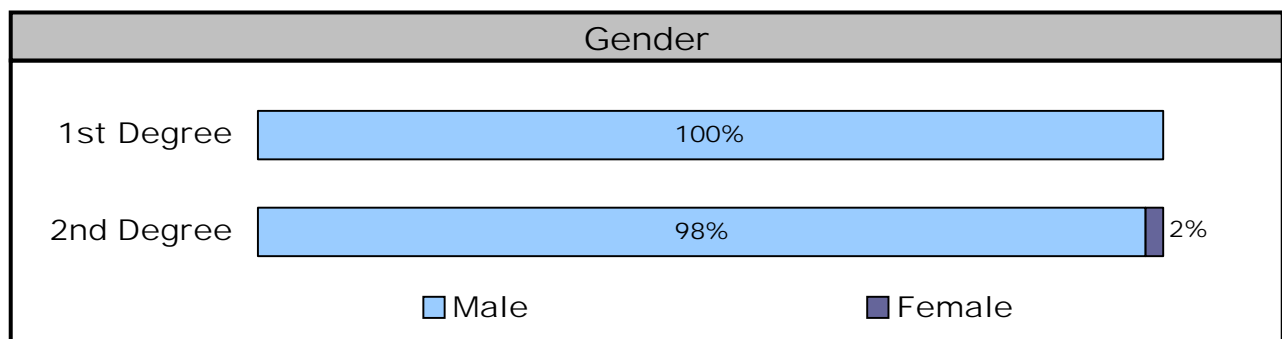
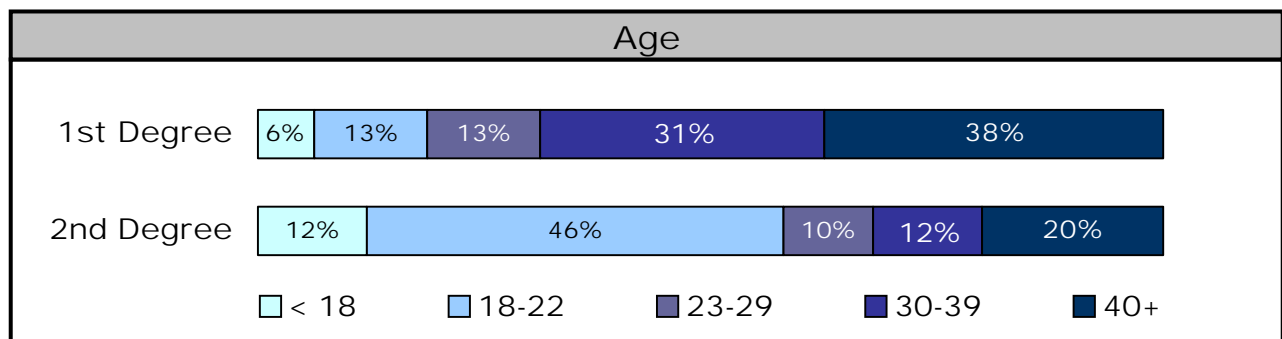
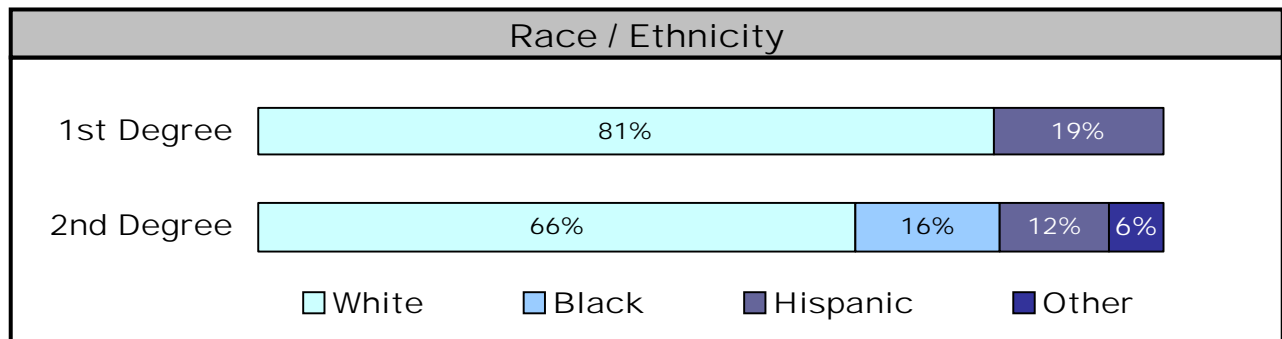
***Sentences [pg. 29]*** – According to Table 5.1, statistical similarities and differences existed between the two offenses. Similarly, both groups had identical median number of prior convictions (0) and current charges (1). Yet, dissimilarly, the median ages between the two groups were considerably different. *1st Degree* offenders were, on average, 15 years older than *2nd Degree* offenders (36 and 21, respectively). And although less pronounced, differences could also be found in the percentages of aggravating and mitigating factors.

Sentences for these offenses were in direct proportion to the severity of the crime – the more severe the crime, the more severe the sentence and the longer the sentence length. For example, prison was ordered 50% of the time for *1st Degree* offenders but dropped to 26% for *2nd Degree*. Alternately, probation was ordered 50% of the time for *1st Degree* offenses but increased to 74% for *2nd Degree*. Perhaps the most noticeable difference, though, between *1st* and *2nd Degree Sexual Assault of a Child* was found in sentence lengths. Offenders convicted of *1st Degree* received longer sentences for probation, prison, and extended supervision than those convicted of *2nd Degree*. The median probation sentence for *1st Degree* and *2nd Degree* was 7.5 years and 4 years, respectively. Similarly, the median sentence lengths for both prison and extended supervision were 10 years for *1st Degree*, but dropped to 4 and 7 years for *2nd Degree*.





## RACINE/KENOSHA: OFFENDERS



**Table 5.1 – Case & Offender Characteristics**

	1 <sup>st</sup> Degree	2 <sup>nd</sup> Degree
<b>Median Age of Offenders</b>	36	21
<b>Median Number of Prior Misdemeanors</b>	0	0
<b>Median Number of Prior Felonies</b>	0	0
<b>Median Number of Charges</b>	1	1
<b>Percent with Aggravating Factors</b>	6%	0%
<b>Percent with Mitigating Factors</b>	9%	4%

**Median:** Half of the totals were above this amount, half were below. Unlike averages, this measure of central tendency does not add up the amounts and divide by the total.

**Misdemeanors & Felonies:** Median number of prior convicted cases in which the major offense was a misdemeanor or felony.

**Charges:** Median number of charges—child sexual assault or other—included within the current case.

**Aggravating & Mitigating Factors:** Percent of cases with supplementary allegations to reflect aggravating or mitigating circumstances of the crime.

**Table 5.2 – Sentences**

	1 <sup>st</sup> Degree	2 <sup>nd</sup> Degree
Probation		
<b>Percent of Cases</b>	50%	74%
<b>Median Sentence</b>	7.5 yrs	4 yrs
<b>Inter-Quartile Range</b>	5 – 12.5 yrs	3 – 5 yrs
Prison / Extended Supervision		
<b>Percent of Cases</b>	50%	26%
<b>Median Prison Sentence</b>	10 yrs	4 yrs
<b>Inter-Quartile Prison Range</b>	7.3 – 12.8 yrs	3 – 10 yrs
<b>Median ES Sentence</b>	10 yrs	7 yrs
<b>Inter-Quartile ES Range</b>	8.8 – 12.8 yrs	5 – 10 yrs

**Percent of Cases:** Percent of cases (by offense) sentenced to either probation or prison/extended supervision. Added together, the percentages should equal 100%.

**Median Sentence Lengths:** Half of the sentences are above this amount, half are below.

**Inter-Quartile Range:** IQR represents the middle 50% of sentence lengths. Unlike averages, this range reduces outlier distortion by eliminating low and high amounts.

## REGIONAL DISTRICTS: REST OF STATE

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### CASES

**Charges [pg. 32]** – According to the Commission’s database, there were 224 child sexual assault convictions in the Rest of State region between February 2003 and December 2004. *1st Degree Sexual Assault of a Child* accounted for 21% of these cases, while *2nd Degree Sexual Assault of a Child* accounted for the remaining 79%. Interesting to note, the percentage of cases with multiple charges to those with single charges was nearly identical between the two offenses. Multiple-charge cases for *1st* and *2nd Degree* offenses comprised 69% and 64%, respectively; however, single-charge cases accounted for substantially less at 31% and 36%, respectively.

**Adjustments [pg. 32]** – As described above, charge adjustments refer to supplementary allegations included in the criminal complaint to reflect aggravating or mitigating circumstances of the crime. The current analysis revealed a striking difference between the percent of cases in this region with adjustments to those without. Adjustments were found in 19% of *1st Degree* cases and 9% of *2nd Degree*. Nearly 90% of the cases did not include a charge adjustment. Of the few that did, nearly all were cases with multiple charges – only 1% of adjustments were found in single-charge cases.

### OFFENDERS

**Race/Ethnicity [pg. 33]** – In Rest of State, 85% of child sexual assault offenders were White. Black and Hispanic offenders accounted for 6% and 5%, respectively, while other minorities accounted for 4%. Between the two offenses, white offenders committed *1st Degree* offenses at a higher rate than *2nd Degree* offenses, while all other minority offenders committed *2nd Degree* offenses at a higher rate than *1st Degree* offenses. Also important to note, black offenders in this region did not commit any *1st Degree* offenses.

**Age [pg. 33]** – The ages of *1st Degree* and *2nd Degree* offenders in this region were largely diverse. Overall, *1st Degree* offenders were considerably older than their *2nd Degree* counterparts. For example, 60% of *1st Degree* offenders were older than 29, yet this percentage dropped to 31% for *2nd Degree* offenders. Instead, *2nd Degree* offenders fell primarily between the ages of 18 and 22 (43%). The only age category in which both *1st Degree* and *2nd Degree* offenders had somewhat similar percentages was “Less than 18” (10% and 5%, respectively).

**Gender [pg. 33]** – Nearly all child sexual assault offenses in Rest of State were committed by male offenders. Between February 2003 and December 2004, only 2% of

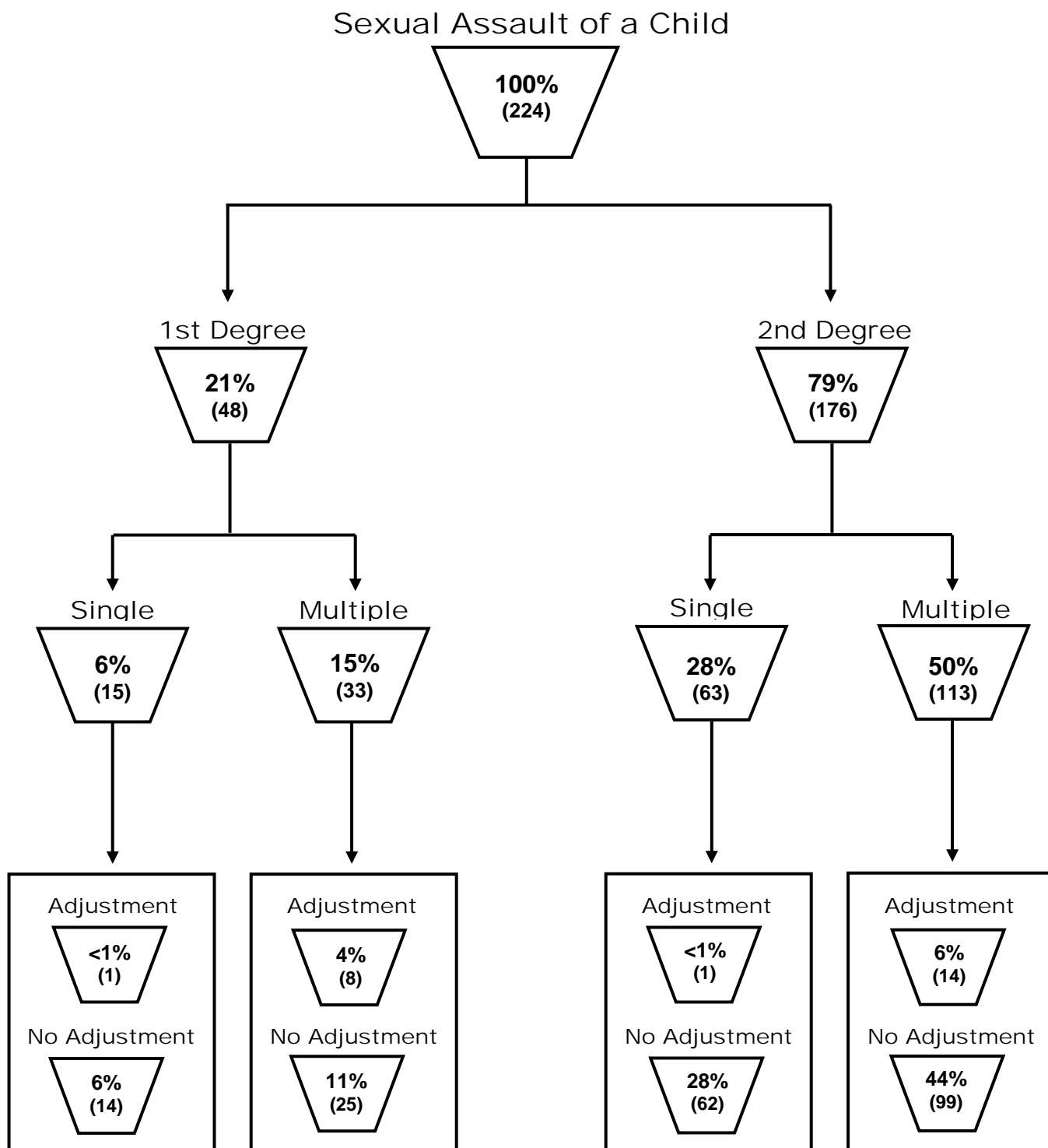
child sexual assault offenders in this region were female. In those few instances, all cases were for *2nd Degree* offenses.

***Prior Convictions [pg. 33]*** – Over half of all child sexual assault offenders in this region did not have a prior felony conviction. This was the first felony for 58% of *1st Degree* offenders and 50% of *2nd Degree* offenders. Yet, differences between these two groups of offenders were found in subsequent convictions. For example, 23% of *2nd Degree* offenders had one prior conviction, but this amount dropped to 13% for *1st Degree* offenders. Yet, *1st Degree* offenders had a greater amount of prior convictions overall. Specifically, *1st Degree* offenders had a higher percentage of three or more prior convictions compared to *2nd Degree* offenders (26% and 19%, respectively).

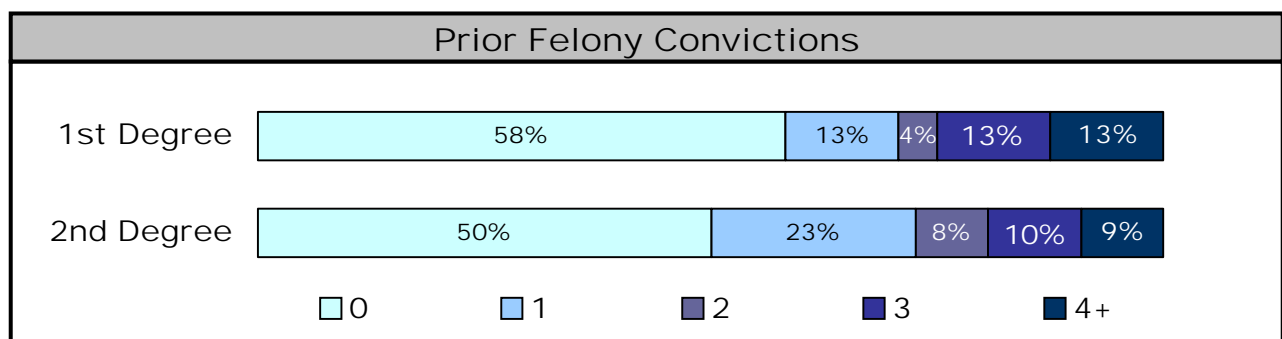
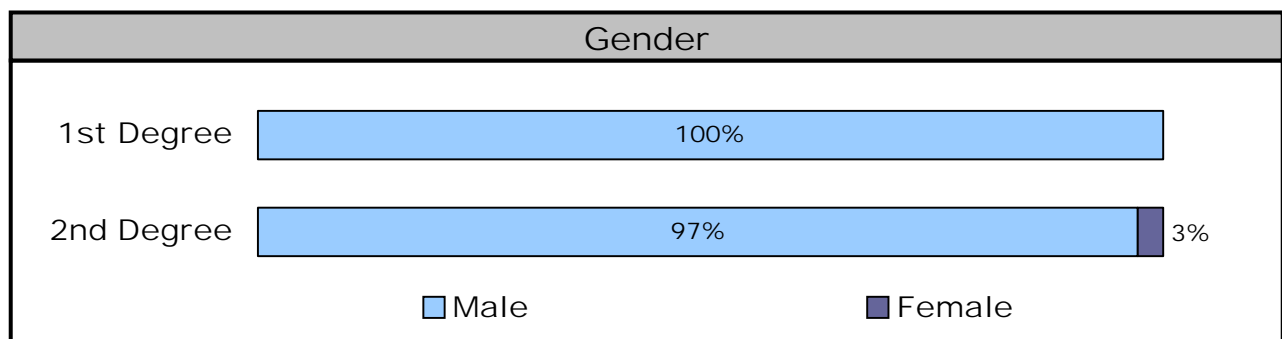
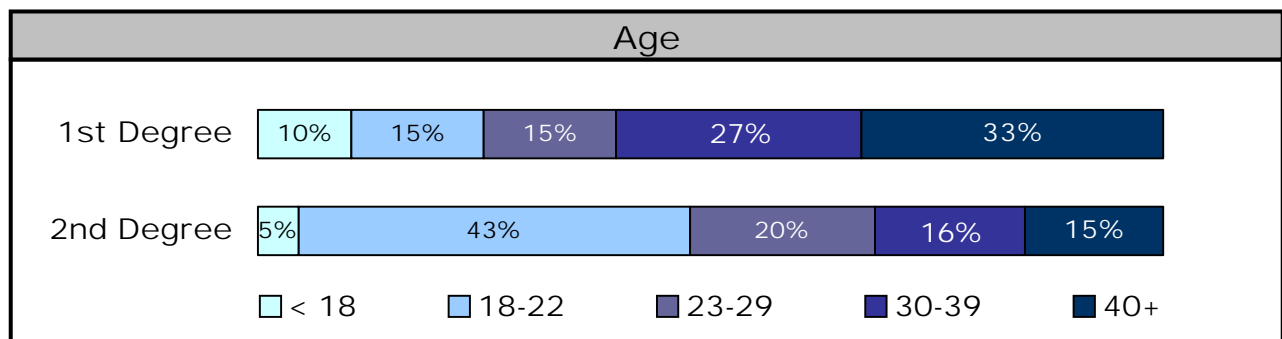
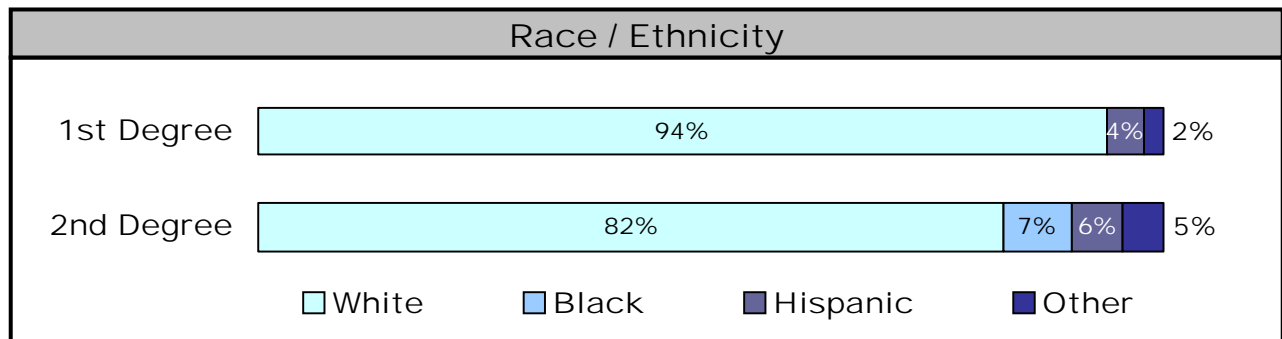
## **SENTENCES**

***Sentences [pg. 34]*** – According to Table 6.1, statistical similarities and differences existed between the two offenses. Similarly, both groups had identical median number of prior convictions (0) and current charges (2). Yet, dissimilarly, the median ages between the two groups were somewhat different. *1st Degree* offenders were, on average, 7 years older than *2nd Degree* offenders (30 and 23, respectively). And although less pronounced, differences could also be found in the percents of aggravating and mitigating factors.

Sentences for these offenses were in direct proportion to the severity of the crime – the more severe the crime, the more severe the sentence and the longer the sentence length. For example, prison was ordered 54% of the time for *1st Degree* offenders but dropped to 41% for *2nd Degree*. Conversely, probation was ordered 46% of the time for *1st Degree* offenses but increased to 59% for *2nd Degree*. Perhaps the most noticeable difference, though, between *1st* and *2nd Degree Sexual Assault of a Child* was found in sentence lengths. Offenders convicted of *1st Degree* received longer sentences for probation, prison, and extended supervision than those convicted of *2nd Degree*. The median probation sentence for *1st Degree* and *2nd Degree* was 10 years and 5 years, respectively. Similarly, the median sentence lengths for prison and extended supervision were 9.2 and 10 years for *1st Degree*, but dropped to 5 and 7 years for *2nd Degree*.



## REST OF STATE: OFFENDERS



**Table 6.1 – Case & Offender Characteristics**

	1 <sup>st</sup> Degree	2 <sup>nd</sup> Degree
<b>Median Age of Offenders</b>	30	23
<b>Median Number of Prior Misdemeanors</b>	0	0
<b>Median Number of Prior Felonies</b>	0	0
<b>Median Number of Charges</b>	2	2
<b>Percent with Aggravating Factors</b>	13 %	8%
<b>Percent with Mitigating Factors</b>	6%	0%

**Median:** Half of the totals were above this amount, half were below. Unlike averages, this measure of central tendency does not add up the amounts and divide by the total.

**Misdemeanors & Felonies:** Median number of prior convicted cases in which the major offense was a misdemeanor or felony.

**Charges:** Median number of charges—child sexual assault or other—included within the current case.

**Aggravating & Mitigating Factors:** Percent of cases with supplementary allegations to reflect aggravating or mitigating circumstances of the crime.

**Table 6.2 – Sentences**

	1 <sup>st</sup> Degree	2 <sup>nd</sup> Degree
Probation		
<b>Percent of Cases</b>	46%	59%
<b>Median Sentence</b>	10 yrs	5 yrs
<b>Inter-Quartile Range</b>	8 – 15 yrs	3.9 – 7 yrs
Prison / Extended Supervision		
<b>Percent of Cases</b>	54%	41%
<b>Median Prison Sentence</b>	9.2 yrs	5 yrs
<b>Inter-Quartile Prison Range</b>	4.3 – 18 yrs	3 – 6 yrs
<b>Median ES Sentence</b>	10 yrs	7 yrs
<b>Inter-Quartile ES Range</b>	5.5 – 15 yrs	5 – 10 yrs

**Percent of Cases:** Percent of cases (by offense) sentenced to either probation or prison/extended supervision. Added together, the percentages should equal 100%.

**Median Sentence Lengths:** Half of the sentences are above this amount, half are below.

**Inter-Quartile Range:** IQR represents the middle 50% of sentence lengths. Unlike averages, this range reduces outlier distortion by eliminating low and high amounts.



## SUMMARY FINDINGS

### CASES

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Between February 2003 and December 2004 there were 516 child sexual assault convictions in the State of Wisconsin. Among the five geographic regions, Rest of State had the highest percentage of these cases (43%). Milwaukee had the second highest (25%), followed by Racine/Kenosha (13%). The Dane/Rock and Fox Valley regions both had 9%. Statewide, 22% of the child sexual assault cases were *1st Degree* and 78% were *2nd Degree*. These percentages remained relatively consistent throughout the five reporting regions.

With regard to charge type (single vs. multiple), 47% of the cases in Wisconsin had a single criminal charge, while 53% had multiple charges. Yet, these rates seemed to vary throughout the five regions. One region – Milwaukee – had a substantially higher percentage of single-charge cases than multiple-charge cases (69% and 31%, respectively). Conversely, the Dane/Rock region had a substantially higher percentage of multiple-charge cases than single-charge cases (62% and 38%, respectively). In the Fox Valley and Racine/Kenosha regions, percentages for single- and multiple-charge cases varied between the two offenses.

According to the Commission's database, there was a striking difference between the percent of cases with adjustments to those without. Statewide, only 9% of the cases contained an adjustment. Yet similar to charge type, this rate varied somewhat throughout the five regions. The Dane/Rock and Fox Valley regions had the highest rates of cases with adjustments (19% and 16%, respectively), while the Racine/Kenosha and Milwaukee regions had the lowest (5% and 2%, respectively). The remaining region – Rest of the State – had a rate nearly identical to the statewide average. Of the few cases with adjustments, nearly all had multiple charges – only 1% of these had a single charge.

### OFFENDERS

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Statewide, 60% of child sexual assault offenders were White, 27% were Black, 9% were Hispanic, and 3% were Other Minorities. The difference between race and offense was especially noteworthy. In all but one county – Milwaukee – white offenders committed *1st Degree* at a substantially higher rate than black offenders. For example, 70% of *1st Degree* offenses in Wisconsin were committed by white offenders, while only 18% were committed by black offenders. In fact, two of the five regions – Racine/Kenosha and Rest of the State – did not have a single *1st Degree* conviction for a black offender. Also important to note, white offenders in Wisconsin committed *1st Degree* offenses at a higher rate than *2nd Degree* offenses (70% to 57%), while black offenders committed *2nd Degree* offenses at a higher rate than *1st Degree* offenses (30% to 18%).

Another interesting finding of this analysis pertained to Hispanic offenders and offense types. Throughout the five regions, the percentage of Hispanic offenders convicted of *2nd Degree* offenses remained relatively consistent – between 11% and 12% in all but one of the five counties. Yet this same consistency was not found in *1st Degree* offenses. Instead, Hispanic offenders in this category ranged from 0% in Fox Valley to 23% in Milwaukee. They constituted 8% in Dane/Rock, 19% in Racine/Kenosha, and 4% in Rest of State.

Along with race, this report also analyzed age. Overall, *1st Degree* offenders were substantially older than *2nd Degree* offenders. *1st Degree* offenders were typically 30 years of age or older, while *2nd Degree* offenders were typically between the ages of 18 and 22. Yet these age distributions varied somewhat among the five regions. For example, 77% of *1st Degree* offenders in Dane/Rock were 30 years of age or older, while only 54% of Milwaukee. Conversely, 31% of *2nd Degree* offenders in Milwaukee were between 18 and 22, but only 8% in Fox Valley.

With regard to gender, nearly all of these offenses in the Commission's database were committed by male offenders. Between February 2003 and December 2004, only 2% of all child sexual assault offenses were committed by females. Females represented 1% of *1st Degree* offenders and 2% of *2nd Degree* offenders. Important to note, neither Dane/Rock nor Fox Valley had a child sexual assault conviction for a female offender.

In general, the majority of child sexual assault offenders did not have a prior felony conviction. Statewide, this was the first felony for 56% of *1st Degree* offenders and 52% of *2nd Degree* offenders. Of those that had a prior conviction, *1st Degree* offenders, rather than *2nd Degree* offenders, had a greater amount overall. Specifically, 22% of *1st Degree* offenders had three-plus priors, while only 14% of *2nd Degree*. Dane/Rock had the lowest percentage of cases – *1st* or *2nd Degree* – with three-plus priors. Conversely, Fox Valley had the highest percentage.

## SENTENCES

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Prior criminal history, current charges, and charge adjustments are among the factors commonly evaluated during the sentencing phase of a case. This analysis found similarities and differences in *1st* and *2nd Degree* cases among these various factors. Similarly, both groups had nearly identical median number of prior convictions and current charges. Regardless of the offense, all but one region – Fox Valley – had the same median number of prior convictions (0). All five regions had a similar number of charges per case – between one and two.

Yet, dissimilarly, *1st Degree* offenders were, on average, 9 years older than *2nd Degree* offenders. Statewide, the median age of *1st Degree* offenders was 32, but this number dropped to 23 for *2nd Degree* offenders. Although this trend appeared throughout the five regions, the distance between the two ages varied. For example, there was a 17-year age difference between the two groups of offenders in Dane/Rock, but only a six-year difference in Milwaukee.

Sentences for these offenses were in direct proportion to the severity of the crime – the more severe the crime, the more severe the sentence. Overall, *1st Degree* offenders received prison sentences at a higher rate than probation sentences, while *2nd Degree* offenders received probation sentences at a higher rate than prison sentences. Statewide, 63% of *1st Degree* offenders received prison, while 37% received probation. Conversely, 41% percent of *2nd Degree* offenders received prison, while 59% received probation. Yet these percentage distributions varied considerably among the five reporting regions. For example, 92% of *1st Degree* offenders in Dane/Rock received prison, but this amount dropped to 50% in Racine/Kenosha. Similarly, 74% of *2nd Degree* offenders in Racine/Kenosha received probation, but this amount dropped to 47% in Milwaukee.

As with sentence types, sentence lengths were also in direct proportion to the severity of the offense. Offenders convicted of *1st Degree* received longer sentences for probation, prison, and extended supervision than those convicted of *2nd Degree*. Statewide, the median probation sentence for *1st Degree* and *2nd Degree* was 8 years and 5 years, respectively. Similarly, the median sentence lengths for prison and extended supervision were 10 years for *1st Degree*, but dropped to 4 and 6 years for *2nd Degree*. Among the five reporting regions, these sentence lengths remained relatively consistent for *2nd Degree* offenses, but varied somewhat for *1st Degree*. For example, the median length of probation for *1st Degree* was 10 years in Dane/Rock, but half that in Milwaukee. Similarly, the median length of prison/extended supervision for *1st Degree* was 8 and 12 years in Fox Valley, but 11 and 10 years in Dane/Rock.

## CONCLUSION

*1<sup>st</sup>* and *2<sup>nd</sup>* Degree Sexual Assault of a Child are similar crimes with dissimilar characteristics. By statute, only two differences exist between these offenses: felony classification level and victim age threshold. Yet research studies suggest that many differences can be found – nature of the crime, nature of the victim/offender relationship, offender age, offender race, etc. This detailed analysis attempted to identify some of the differences between the two offenses, as well as between the five regions (Milwaukee, Dane/Rock, Fox Valley, Racine/Kenosha, and Rest of State).

According to the Commission's database, the majority of *1<sup>st</sup>* Degree offenses in Wisconsin were committed by white men over the age of 29, who had no prior felony convictions. These offenders were typically sentenced to prison/extended supervision for terms of 10 years a piece. Of those offenders sentenced to probation, sentence lengths were typically 8 years.

On the other hand, characteristics of *2<sup>nd</sup>* Degree offenses were somewhat different. The majority of *2<sup>nd</sup>* Degree offenses in Wisconsin were committed by white men between the ages of 18 and 22, who had no prior felony convictions. Milwaukee was the one exception to this general pattern. In Milwaukee, *2<sup>nd</sup>* Degree offenses are committed predominantly by black offenders (68%). All *2<sup>nd</sup>* Degree offenders were typically sentenced to probation for a term of 5 years. Of those offenders sentenced to prison/extended supervision, sentence lengths were typically 4 and 6 years, respectively.

Criminal sentencing in the State of Wisconsin involves the examination of many different factors. These factors include, but are not limited to, prior criminal history, charging practices, case adjustments, mental and physical health, drug and/or alcohol dependency, employment history, education, family support, and ties to the community. Due to resource and time constraints, the effects of these factors on sentencing could not be thoroughly examined within the parameters of this report. Instead, it is the hope of the Commission that this report will provide practical information to assist judges and legislators in their decision making processes.

# **Appendix:**

## **Data Tables**

## OFFENSES

	State	Milwaukee	Dane/Rock	Fox Valley	Racine/Kenosha	Rest of State
<b>OFFENSES</b>						
<b>Sexual Assault of a Child</b>						
1st Degree	22%	20%	28%	24%	24%	21%
2nd Degree	78%	80%	72%	76%	76%	79%
<b>CHARGES</b>						
<b>Single</b>	<b>47%</b>	<b>69%</b>	<b>38%</b>	<b>41%</b>	<b>56%</b>	<b>35%</b>
1st Degree	46%	69%	38%	33%	69%	31%
2nd Degree	47%	69%	38%	43%	52%	36%
<b>Multiple</b>	<b>53%</b>	<b>31%</b>	<b>62%</b>	<b>59%</b>	<b>44%</b>	<b>65%</b>
1st Degree	54%	31%	62%	67%	31%	69%
2nd Degree	55%	31%	62%	51%	48%	64%
<b>ADJUSTMENTS</b>						
<b>Adjustments</b>	<b>9%</b>	<b>2%</b>	<b>19%</b>	<b>16%</b>	<b>5%</b>	<b>11%</b>
1st Degree	14%	0%	23%	25%	6%	19%
2nd Degree	8%	3%	18%	14%	4%	9%
<b>No Adjustments</b>	<b>91%</b>	<b>98%</b>	<b>81%</b>	<b>84%</b>	<b>95%</b>	<b>89%</b>
1st Degree	86%	100%	77%	75%	94%	81%
2nd Degree	92%	97%	82%	86%	96%	91%

## OFFENDER & CASE CHARACTERISTICS

	State	Milwaukee	Dane/Rock	Fox Valley	Racine/Kenosha	Rest of State
<b>RACE / ETHNICITY</b>						
<b>White &amp; Black</b>	<b>88%</b>	<b>84%</b>	<b>87%</b>	<b>92%</b>	<b>82%</b>	<b>91%</b>
1st Degree	89%	77%	92%	100%	81%	94%
2nd Degree	87%	85%	85%	89%	82%	89%
<b>White</b>	<b>60%</b>	<b>18%</b>	<b>55%</b>	<b>51%</b>	<b>70%</b>	<b>85%</b>
1st Degree	70%	23%	69%	67%	81%	94%
2nd Degree	57%	17%	50%	46%	66%	82%
<b>Black</b>	<b>27%</b>	<b>65%</b>	<b>32%</b>	<b>41%</b>	<b>12%</b>	<b>6%</b>
1st Degree	18%	54%	23%	33%	0%	0%
2nd Degree	30%	68%	35%	43%	16%	7%
<b>Hispanic</b>	<b>9%</b>	<b>14%</b>	<b>11%</b>	<b>8%</b>	<b>14%</b>	<b>5%</b>
1st Degree	10%	23%	8%	0%	19%	4%
2nd Degree	9%	12%	12%	11%	12%	6%
<b>Other</b>	<b>3%</b>	<b>2%</b>	<b>2%</b>	<b>0%</b>	<b>5%</b>	<b>4%</b>
1st Degree	1%	0%	0%	0%	0%	2%
2nd Degree	4%	3%	3%	0%	6%	5%
<b>AGE CATEGORIES</b>						
<b>&lt; 18</b>	<b>5%</b>	<b>2%</b>	<b>9%</b>	<b>4%</b>	<b>11%</b>	<b>6%</b>
1st Degree	6%	0%	0%	8%	6%	10%
2nd Degree	5%	2%	12%	3%	12%	5%
<b>18-22</b>	<b>38%</b>	<b>38%</b>	<b>40%</b>	<b>39%</b>	<b>38%</b>	<b>37%</b>
1st Degree	17%	31%	15%	8%	13%	15%
2nd Degree	44%	39%	50%	49%	46%	43%
<b>23-29</b>	<b>19%</b>	<b>25%</b>	<b>17%</b>	<b>20%</b>	<b>11%</b>	<b>19%</b>
1st Degree	15%	15%	8%	25%	13%	15%
2nd Degree	21%	27%	21%	19%	10%	20%
<b>30-39</b>	<b>20%</b>	<b>20%</b>	<b>23%</b>	<b>24%</b>	<b>17%</b>	<b>19%</b>
1st Degree	33%	31%	54%	42%	31%	27%
2nd Degree	16%	17%	12%	19%	12%	16%
<b>30+</b>	<b>37%</b>	<b>36%</b>	<b>34%</b>	<b>37%</b>	<b>41%</b>	<b>38%</b>
1st Degree	62%	54%	77%	59%	69%	60%
2nd Degree	30%	31%	18%	30%	32%	31%
<b>40+</b>	<b>18%</b>	<b>16%</b>	<b>11%</b>	<b>12%</b>	<b>24%</b>	<b>19%</b>
1st Degree	29%	23%	23%	17%	38%	33%
2nd Degree	14%	14%	6%	11%	20%	15%

## OFFENDER & CASE CHARACTERISTICS

	State	Milwaukee	Dane/Rock	Fox Valley	Racine/Kenosha	Rest of State
<b>GENDER</b>						
<b>Male</b>	<b>98%</b>	<b>98%</b>	<b>100%</b>	<b>100%</b>	<b>98%</b>	<b>98%</b>
1st Degree	99%	96%	100%	100%	100%	100%
2nd Degree	98%	99%	100%	100%	98%	97%
<b>Female</b>	<b>2%</b>	<b>2%</b>	<b>0%</b>	<b>0%</b>	<b>2%</b>	<b>2%</b>
1st Degree	1%	4%	0%	0%	0%	0%
2nd Degree	2%	1%	0%	0%	2%	3%
<b>PRIOR FELONIES</b>						
<b>0</b>	<b>53%</b>	<b>46%</b>	<b>57%</b>	<b>51%</b>	<b>65%</b>	<b>52%</b>
1st Degree	56%	50%	62%	33%	69%	58%
2nd Degree	52%	45%	56%	57%	64%	50%
<b>1</b>	<b>22%</b>	<b>30%</b>	<b>21%</b>	<b>18%</b>	<b>14%</b>	<b>21%</b>
1st Degree	16%	15%	23%	17%	19%	13%
2nd Degree	24%	34%	21%	19%	12%	23%
<b>2</b>	<b>9%</b>	<b>10%</b>	<b>17%</b>	<b>10%</b>	<b>8%</b>	<b>7%</b>
1st Degree	6%	4%	8%	17%	6%	4%
2nd Degree	10%	12%	21%	8%	8%	8%
<b>3</b>	<b>8%</b>	<b>6%</b>	<b>4%</b>	<b>8%</b>	<b>5%</b>	<b>11%</b>
1st Degree	10%	12%	8%	17%	0%	13%
2nd Degree	7%	5%	3%	5%	6%	10%
<b>3+</b>	<b>16%</b>	<b>14%</b>	<b>4%</b>	<b>20%</b>	<b>14%</b>	<b>21%</b>
1st Degree	22%	31%	8%	34%	6%	26%
2nd Degree	14%	10%	3%	16%	16%	19%
<b>4+</b>	<b>9%</b>	<b>8%</b>	<b>0%</b>	<b>12%</b>	<b>9%</b>	<b>10%</b>
1st Degree	12%	19%	0%	17%	6%	13%
2nd Degree	7%	5%	0%	11%	10%	9%



# SENTENCES

	State	Milwaukee	Dane/Rock	Fox Valley	Racine/Kenosha	Rest of State
<b>CHARACTERISTICS</b>						
<b>Age</b>	<b>24 yrs</b>	<b>25 yrs</b>	<b>24 yrs</b>	<b>26 yrs</b>	<b>23 yrs</b>	<b>25 yrs</b>
1st Degree	32 yrs	30 yrs	37 yrs	32 yrs	36 yrs	30 yrs
2nd Degree	23 yrs	24 yrs	20 yrs	22 yrs	21 yrs	23 yrs
<b>Prior Misdemeanors</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
1st Degree	0	0	0	0	0	0
2nd Degree	0	0	0	0	0	0
<b>Priors Felonies</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
1st Degree	0	0	0	1	0	0
2nd Degree	0	0	0	0	0	0
<b>Current Charges</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>2</b>
1st Degree	2	1	2	2	1	2
2nd Degree	2	1	2	2	1	2
<b>Aggravators</b>	<b>6%</b>	<b>0%</b>	<b>9%</b>	<b>12%</b>	<b>2%</b>	<b>9%</b>
1st Degree	9%	0%	15%	8%	6%	13%
2nd Degree	5%	0%	6%	14%	0%	8%
<b>Mitigators</b>	<b>3%</b>	<b>2%</b>	<b>9%</b>	<b>2%</b>	<b>3%</b>	<b>1%</b>
1st Degree	4%	0%	8%	8%	0%	6%
2nd Degree	2%	3%	9%	0%	4%	0%
<b>TYPE</b>						
<b>Probation</b>	<b>54%</b>	<b>42%</b>	<b>43%</b>	<b>65%</b>	<b>68%</b>	<b>56%</b>
1st Degree	37%	23%	8%	42%	50%	46%
2nd Degree	59%	47%	56%	73%	74%	59%
<b>Prison/ES</b>	<b>46%</b>	<b>58%</b>	<b>57%</b>	<b>35%</b>	<b>32%</b>	<b>44%</b>
1st Degree	63%	77%	92%	58%	50%	54%
2nd Degree	41%	53%	44%	27%	26%	41%
<b>LENGTH</b>						
<b>Probation</b>	<b>5 yrs</b>	<b>4.4 yrs</b>	<b>6.5 yrs</b>	<b>5 yrs</b>	<b>5 yrs</b>	<b>5 yrs</b>
1st Degree	8 yrs	5 yrs	10 yrs	7 yrs	7.5 yrs	10 yrs
2nd Degree	5 yrs	4 yrs	6 yrs	5 yrs	4 yrs	5 yrs
<b>Prison</b>	<b>5 yrs</b>	<b>4.4 yrs</b>	<b>6 yrs</b>	<b>6 yrs</b>	<b>7.5 yrs</b>	<b>5 yrs</b>
1st Degree	10 yrs	6.5 yrs	11 yrs	8 yrs	10 yrs	9.2 yrs
2nd Degree	4yrs	3 yrs	4 yrs	4.5 yrs	4 yrs	5 yrs
<b>Ext. Supervision</b>	<b>7 yrs</b>	<b>5 yrs</b>	<b>8 yrs</b>	<b>8 yrs</b>	<b>10 yrs</b>	<b>7 yrs</b>
1st Degree	10 yrs	6.8 yrs	10 yrs	12 yrs	10 yrs	10 yrs
2nd Degree	6 yrs	5 yrs	6 yrs	7 yrs	7 yrs	7 yrs